



PERB
California Public Employment
Relations Board

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September 30, 2022

Jennifer Keating, Attorney
Leonard Carder, LLP
1999 Harrison Street, Suite 2700
Oakland, CA 94612

Sandra McDonough, Attorney
Paul, Plevin, Sullivan & Connaughton LLP
101 West Broadway, Ninth Floor
San Diego, CA 92101

Re: *University Council-American Federation of Teachers v. Regents of the
University of California (Los Angeles)*
Unfair Practice Charge No. SF-CE-1361-H
COMPLAINT

Dear Parties:

The Office of the General Counsel has issued the enclosed COMPLAINT in the above-entitled matter. The Respondent is required to file an **ANSWER** within twenty (20) calendar days from the date of service of the COMPLAINT, pursuant to PERB Regulation 32644.¹ The required contents of the **ANSWER** are described in PERB Regulation 32644(b).

If you have not filed a Notice of Appearance form, one should be completed and returned with your **ANSWER**. Please be aware that once legal counsel is designated, PERB will only correspond with that individual(s).

An informal settlement conference will be scheduled shortly. Please direct all inquiries, filings and correspondence to the undersigned. Designated legal counsel who do not attend the Informal Conference for any reason, must designate in writing consent that the meeting go forward in their absence, including, but not limited to the

¹ PERB's Regulations are codified at California Code of Regulations, title 8, section 31001 et seq. The text of PERB's Regulations may be found at www.perb.ca.gov.

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execution of a settlement agreement.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Crossen". The signature is fluid and cursive, with a long horizontal stroke at the end.

Daniel Crossen
Regional Attorney

DSC

Enclosure

STATE OF CALIFORNIA

PUBLIC EMPLOYMENT RELATIONS BOARD



UNIVERSITY COUNCIL-AMERICAN
FEDERATION OF TEACHERS,

Charging Party,

v.

REGENTS OF THE UNIVERSITY OF
CALIFORNIA (LOS ANGELES),

Respondent.

Case No. SF-CE-1361-H

COMPLAINT

It having been charged by Charging Party that Respondent engaged in unfair practices in violation of Government Code section 3571, the General Counsel of the Public Employment Relations Board (PERB), pursuant to Government Code sections 3563(h) and 3563.2 and California Code of Regulations, title 8, section 32640, issues this COMPLAINT on behalf of PERB and ALLEGES:

1. Charging Party is an exclusive representative within the meaning of Government Code section 3562(i) of an appropriate unit of employees.
2. Respondent is an employer within the meaning of Government Code section 3562(g).

Unilateral Changes – Calendar

3. On or about April 25, 2022, Respondent released a 2022-2023 academic calendar for UCLA Lab School, which included an increase in the number of faculty work days, eliminated unassigned and professional development days, and established the beginning and ending dates of the teacher work year and the dates of vacations and holidays.

4. Respondent engaged in the conduct described in paragraph 4 without prior notice to Charging Party and without having afforded Charging Party an opportunity to meet and confer over the decision to implement the change in policy and/or the effects of the change in policy.

5. By the acts and conduct described in paragraphs 3 and 4, Respondent failed and refused to meet and confer in good faith in violation of Government Code section 3571(c).

6. By committing the violation alleged in paragraph 5, Respondent derivatively interfered with the rights of bargaining unit employees to be represented by Charging Party in violation of Government Code section 3571(a).

7. On or about August 22, 2022, Respondent released a final 2022-2023 academic calendar for UCLA Lab School that increased the number of teacher work days and changed the beginning of the teacher work year, as compared to the calendar released on April 25, 2022.

8. Respondent engaged in the conduct described in paragraph 7 without prior notice to Charging Party and without having afforded Charging Party an opportunity to meet and confer over the decision to implement the change in policy and/or the effects of the change in policy.

9. By the acts and conduct described in paragraphs 7 and 8, Respondent failed and refused to meet and confer in good faith in violation of Government Code section 3571(c).

10. By committing the violation alleged in paragraph 9, Respondent derivatively interfered with the rights of bargaining unit employees to be represented by Charging Party in violation of Government Code section 3571(a).

Unilateral Change – Side Letter Negotiations

11. Before June 21, 2022, Respondent had a past practice of negotiating a comprehensive side letter covering terms and conditions of employment for UCLA Lab School demonstration teachers.

12. On or about June 21, 2022, Respondent changed this policy by refusing to bargain any terms and conditions of employment for UCLA Lab School demonstration teachers other than salary.

13. Respondent engaged in the conduct described in paragraph 12 without prior notice to Charging Party and without having afforded Charging Party an opportunity to meet and confer over the decision to implement the change in policy and/or the effects of the change in policy.

14. By the acts and conduct described in paragraphs 12 and 13, Respondent failed and refused to meet and confer in good faith in violation of Government Code section 3571(c).

15. By committing the violation alleged in paragraph 14, Respondent derivatively interfered with the rights of bargaining unit employees to be represented by Charging Party in violation of Government Code section 3571(a).

Per Se Refusal to Bargain

16. On or about June 21, 2022, Respondent refused to bargain any terms and conditions of employment for UCLA Lab School demonstration teachers other than salary.

17. By the acts and conduct described in paragraph 16, Respondent failed and refused to bargain in good faith with Charging Party in violation of Government Code

section 3571(c).

18. By committing the violation alleged in paragraph 17, Respondent derivatively interfered with the rights of bargaining unit employees to be represented by Charging Party in violation of Government Code section 3571(a).

Failure to Bargain in Good Faith

19. On or about February 11, 2022, Charging Party demanded to meet and confer pursuant to Government Code section 3570 over a side letter covering terms and conditions of employment for UCLA Lab School demonstration teachers.

20. During the period from on or about February 11, 2022 through on or about August 22, 2022, Respondent engaged in the following conduct: (a) delayed the start of negotiations until August 2022; (b) on or about March 7, 2022, misrepresented its plans to change terms and conditions of employment; (c) took contradictory positions about whether it was required to negotiate matters related to the academic calendar; and (d) committed the violations alleged in paragraphs 5, 9, 14, and 17.

21. By the acts and conduct described in, but not limited to, paragraph 20, Respondent failed and refused to meet and confer in good faith in violation of Government Code section 3571(c).

22. By committing the violation alleged in paragraph 21, Respondent derivatively interfered with the rights of bargaining unit employees to be represented by Charging Party in violation of Government Code section 3571(a).

Any amendment to the complaint shall be processed pursuant to California Code of Regulations, title 8, sections 32647 and 32648.

DATED: September 30, 2022

J. Felix De La Torre
General Counsel

By 

Joseph Eckhart
Senior Regional Attorney

PROOF OF SERVICE

I declare that I am a resident of or employed in the County of Los Angeles, California. I am over the age of 18 years and not a party to the within entitled cause. The name and address of my residence or business is Public Employment Relations Board, Los Angeles Regional Office, 425 W. Broadway, Suite 400, Glendale, CA, 91204-1269.

On September 30, 2022, I served the Complaint and Cover Letter regarding Case No. SF-CE-1361-H on the parties listed below by

I am personally and readily familiar with the business practice of the Public Employment Relations Board for collection and processing of correspondence for mailing with the United States Postal Service, and I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States Postal Service at Los Angeles, California.

Personal delivery.

Electronic service (e-mail).

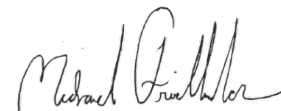
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I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on September 30, 2022, at Glendale, California.

Michael Friedlander

(Type or print name)



(Signature)