

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



HOWARD O. WATTS,)
)
 Complainant, APPELLANT) Case No. LA-PN-25
)
 v.)
)
 LOS ANGELES COMMUNITY COLLEGE) PERB Decision No. 150b
 DISTRICT,)
)
 Respondent,) November 30, 1981
)
 and)
)
 AMERICAN FEDERATION OF TEACHERS)
 COLLEGE GUILD, LOCAL 1521, AFL-CIO,)
)
 Respondent.)
)
 _____)

Appearances; Howard O. Watts, representing himself;
Mary L. Dowell, Associate General Counsel, representing the
District.

Before Tovar, Jaeger and Moore, Members.

DECISION

Howard Watts appeals the attached order issued by the hearing officer dismissing his public notice complaint without leave to amend. Upon consideration of the entire record in light of the exceptions, the Board finds no reversible error in the attached hearing officer's findings of fact or conclusions of law, and on that basis affirms her decision.

ORDER

Upon the foregoing decision and the entire record in this case, the Public Employment Relations Board **ORDERS** that:

The public notice complaint, LA-PN-25, filed by Howard Watts against the Los Angeles Community College District and the American Federation of Teachers College Guild, Local 1521, AFL-CIO, is hereby DISMISSED in its entirety without leave to amend.

PER CURIAM

PUBLIC EMPLOYMENT RELATIONS BOARD
OF THE STATE OF CALIFORNIA



HOWARD O. WATTS,)
)
 Complainant,) Case No. LA-PN-25, Subject of
) PERB Decision Nos. 150, 150a
 v.)
)
 LOS ANGELES COMMUNITY COLLEGE) ORDER Dismissing Public Notice
 DISTRICT,) Complaint without further
) leave to amend.
 Respondent,)
) (6/17/81)
 and)
)
 AMERICAN FEDERATION OF TEACHERS)
 COLLEGE GUILD, LOCAL 1521, AFL-CIO,)
)
 Respondent.)

Appearances; Howard O. Watts, representing himself; Mary L. Dowell, Associate General Counsel, representing the Los Angeles Community College District; Dr. Virginia G. Mulrooney, Executive Director, for AFT College Guild, Local 1521, AFL-CIO.

Before Irene Cordoba, Hearing Officer.

PROCEDURAL HISTORY

On April 10, 1980 Howard O. Watts (hereafter Complainant) filed a public notice complaint in the Los Angeles Regional Office of the Public Employment Relations Board, alleging that the Los Angeles Community College District (hereafter District) and the American Federation of Teachers College Guild,

Local 1521, AFL-CIO had violated section 3547(a), (b), (c), (d) and (e) of the Educational Employment Relations Act.¹

On October 6, 1980 the complaint was dismissed by the Los Angeles Regional Director. The dismissal was appealed to the Board itself, and on December 31, 1980, the Board issued PERB Decision No. 150. In its Decision the Board remanded the case to the Los Angeles Regional Office for a new hearing, unless the parties stipulated to a reconstructed record submitted by the Regional Director. Complainant refused to consider

¹Government Code section 3540 et seq. All future references are to the Government Code unless otherwise indicated.

Section 3547 provides:

(a) All initial proposals of exclusive representatives and of public school employers, which relate to matters within the scope of representation, shall be presented at the public meeting of the public school employer and thereafter shall be public records.

(b) Meeting and negotiating shall not take place on any proposals until a reasonable time has elapsed after the submission of the proposal to enable the public to become informed and the public has the opportunity to express itself regarding the proposal at the meeting of the public school employer.

(c) After the public has had the opportunity to express itself, the public school employer shall, at a meeting which is open to the public, adopt its initial proposal.

(d) New subjects of meeting and negotiating arising after the presentation of initial proposals shall be made public within 24 hours. If a vote is taken on such subject by the public school employer, the vote thereon by each member voting shall also be made public within 24 hours.

(e) The board may adopt regulations for the purpose of implementing this section, which are consistent with the intent of the section; namely that the public be informed of the issues that are being negotiated upon and have full opportunity to express their views on the issues to the public school employer, and to know of the positions of their elected representatives.

stipulating to a reconstructed record, and on February 11, 1981 a Notice of Hearing was issued. The hearing was scheduled to commence on March 31, 1981. On or about March 13, 1981 the District filed an application for order vacating PERB Decision No. 150. The record was opened on March 31, 1981. However, the hearing was continued pending the decision of the Board regarding the request to vacate. On April 29, 1981 the Board issued PERB Decision No. 150a denying the request to vacate.

In Decision 150a the Board noted that three of the allegations in the instant case had been found not to constitute violations by the Board in Watts v. Los Angeles Community College District (12/31/80) PERB Decision 153. However, the Board found that complainant was entitled to amend his allegation, concerning the District's rule allotting five minutes to speakers at school board meetings, to state a prima facie case.

Pursuant to PERB Decision 150a, by letter of May 13, 1981 the Hearing Officer gave Complainant 10 days to amend that portion of his complaint dealing with the District's five-minute rule to state a prima facie case. On May 21, 1981 the Hearing Officer received a letter from Complainant requesting an extension of time to May 29, 1981 in which to file his amendment. By letter of May 22, 1981 the Hearing Officer granted the request, and extended the time for filing to May 29, 1981. Complainant did not file an amendment.

ORDER

Since Complainant has failed to amend his Complaint to state a prima facie case, the public notice complaint in case LA-PN-25 and subject of Board decisions 150 and 150a is hereby dismissed without further leave to amend.

Pursuant to California Administrative Code, title 8, part III, section 32305, this Order shall become final on July 7, 1981 unless a party files a timely statement of exceptions and supporting brief within twenty (20) calendar days following the date of service of this decision. Such statement of exceptions and supporting brief must be actually received by the Executive Assistant to the Board at the headquarters office in Sacramento* before the close of business (5:00 p.m.) on July 7, 1981 in order to be timely filed. See California Administrative Code, title 8, part III, section 32135. Any statement of exceptions and supporting brief must be served concurrently with its filing upon each party to this proceeding. Proof of service shall be filed with the Board itself. See California Administrative Code, title 9, section 32305, as amended.

Dated: June 17, 1981

Irene H. Cordoba
Hearing Officer

*PERB's new headquarters address is: 1031 18th St.
Sacramento, CA 95814.