

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



HOWARD O. WATTS,)
)
 Complainant,) Case No. LA-PN-33
 PETITIONER) Request for Reconsideration
) PERB Decision No. 181
 v.)
) PERB Decision No. 181a
 LOS ANGELES UNIFIED SCHOOL DISTRICT,)
) February 22, 1982
 Employer,)
)
 and)
)
 CALIFORNIA SCHOOL EMPLOYEES)
 ASSOCIATION,)
)
 Employee Organization.)
 _____)

Appearances: Howard O. Watts, representing himself.
Before Gluck, Chairperson; Jaeger and Tovar, Members.

DECISION

Howard O. Watts requests that the Public Employment Relations Board (PERB or Board) reconsider its decision in Los Angeles Unified School District (11/19/81) PERB Decision No. 181. The Board therein affirmed the regional director's dismissal of his public notice complaint against the Los Angeles Unified School District (District) and the California School Employees Association (Association) without further leave to amend. The complaint alleged violations of

section 3547 of the Educational Employment Relations Act.¹
Petitioner's request is filed pursuant to subsection 32410(a)
of PERB's rules and regulations.²

¹The Educational Employment Relations Act is codified at
Government Code section 3540 et seq.

Section 3547 reads, in pertinent part:

(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 a public meeting of the public
school employer and thereafter shall be
public records.

(b) Meeting and negotiating shall not take
place on any proposal 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
a 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.

²PERB rules are codified at California Administrative
Code, title 8, section 31000 et seq.

Subsection 32410(a) provides:

(a) Any party to a decision of the Board
itself may, because of extraordinary
circumstances, file a request to reconsider
the decision with the Board itself within
10 days following the date of service of the
decision. The request for reconsideration
shall be filed with the Executive Assistant
to the Board and shall state with
specificity the grounds claimed and, where
applicable, shall specify the page of the

Mr. Watts maintains that reconsideration should be granted because the Board did not thoroughly consider all of the exceptions which were properly filed in the appeal of the regional director's decision. Included among the exceptions was the allegation that Mr. Watts did not receive the requisite assistance in filing his complaint which he claims rules 37030 and 32625 guarantee him.³ Further, he contended that section 3547 was violated by: (1) the distribution of only 20 copies of an employee organization's initial proposal when the proposal was publicly presented to the school employer; (2) the failure to provide additional copies at subsequent meetings of the District; and (3) the three-minute limitation per speaker for discussion of the proposals.

record relied on. Service and proof of service of the request pursuant to section 32140 are required.

³Section 32625 provides:

If the charging party is unable to retain counsel or demonstrates extenuating circumstances, as determined by the Board, a Board agent may be assigned to assist such party to draft the charge or gather evidence.

Section 37030 reads, in pertinent part:

(a) When a complaint is filed, the case shall be assigned by the Regional Director to a Board agent for processing.

(b) The powers and duties of such board agent shall be to:

PERB Assistance

In Los Angeles Community College District (12/15/81) PERB Decision No. 186 and Los Angeles Community College District (12/15/81) PERB Order No. Ad-119, the Board set forth the parameters of PERB assistance in public notice complaints. Section 32625, on which he relies, deals with unfair practice charges and has no relevance to public notice complaints. Section 37030 requires that Board agents provide technical assistance to public notice complainants, but not legal representation. Mr. Watts clearly received the requisite assistance. The May 28, 1981 notice of deficiency and particularization which accompanied the dismissal with leave to amend, clearly provided Mr. Watts with information explaining what is necessary to establish a prima facie case.

Distribution of 20 Copies

Mr. Watts contends that the Board misconstrued his exception when it found that the District's distribution of

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- (1) Assist the complainant to state in proper form the information required by section 37020.
 - (2) Answer procedural questions regarding the processing of the case;
 - (3) Facilitate communication and the exchange of information between the complainant and the respondent or respondents;

20 copies of the Association's proposal was adequate. He argues that this was not the basis of his charge. Rather, he maintains that the complaint centered around the Association's failure to distribute more than 20 copies. Regardless, the complaint is groundless. Again, Watts' Exhibit No. 5⁴ demonstrates the fallacy of the complaint. The stipulation between the District and Watts clearly indicates that Mr. Watts acknowledged that 20 copies would be an adequate number given both the geographical size of the District and number of students.

Failure to Distribute Proposals at Subsequent Meetings;
Three-Minute Rule

The Board affirmed the regional director's dismissal of these allegations, finding that Mr. Watts had failed to state sufficient facts to constitute a prima facie complaint. In this request, Watts does not present any arguments which were not raised during the earlier determination of the Board.

⁴Exhibit No. 5 is a settlement agreement arising out of an earlier public notice complaint filed by Mr. Watts (Watts v. Los Angeles Unified School District, LA-PN-9 and LA-PN-10), which reads, in pertinent part:

Each exclusive representative shall provide a reasonable number of copies, not to exceed 20, of its initial proposals at the time the exclusive representative presents its proposals to the District. These copies shall be made available to the public at the Board meeting at which the proposals are presented.

The Board notes that Mr. Watts has repeatedly filed complaints which are virtually identical in content to this despite the Board's patient and adverse rulings. See Los Angeles Unified School District (12/30/80) PERB Decision No. 152; Los Angeles Community College District (12/31/80) PERB Decision No. 153; Los Angeles Community College District (12/31/80) PERB Decision No. 154; Los Angeles Community College District (12/15/82) PERB Decision No. 186; and Los Angeles Unified School District (12/15/81) PERB Decision No. 187. Further, we also notice that he has recently filed additional requests for reconsideration of our decision involving most of these same issues.⁵ Mr. Watts' repeated raising of such nonmeritorious complaints abuses Board processes and wastes State resources. Further, respondents must necessarily incur expenses in time, effort and money in continually defending against the same charges. Accordingly, the Board sees fit to order that Mr. Watts cease and desist from filing complaints which merely raise facts and questions of law which the Board has already fully considered. Further, if such complaints are filed in the future, the Board will consider the possibility of assessing Mr. Watts any litigation expenses incurred by a respondent while trying to defend against such actions.

⁵These requests subsequently have all been dismissed.

ORDER

For the foregoing reasons, the request of Howard O. Watts for reconsideration of the Public Employment Relations Board's Decision No. 181 is DENIED.

Further, the Board ORDERS Mr. Watts to:

CEASE AND DESIST from abusing the Board's administrative processes by filing public notice complaints which are not supported by the type of evidence which the Board has made clear is necessary to file a valid complaint, or which merely raise facts and questions of law which the Board has previously resolved.

PER CURIAM