

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



HOWARD O. WATTS,)
)
 Complainant,) Case No. LA-PN-36
)
 v.) PERB Decision No. 187
)
 LOS ANGELES UNIFIED SCHOOL DISTRICT,) December 15, 1981
)
 Respondent,)
)
 and)
)
 SERVICE EMPLOYEES INTERNATIONAL UNION,)
 LOCAL 99, AFL-CIO)
)
 Respondent.)
 _____)

Appearances: Howard Watts, representing himself.

Before Gluck, Chairperson; Moore and Tovar, Members.

DECISION

Howard O. Watts excepts to the attached administrative determination issued by the Los Angeles regional director of the Public Employment Relations Board (hereafter Board) dismissing his public notice complaint without leave to amend. After considering the entire record in light of Watts' appeal and the District's response, the Board affirms the regional director's findings conclusions, and administrative determination for the reasons set forth in her letter of dismissal.

ORDER

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

The public notice complaint, filed by Howard O. Watts against the Los Angeles Unified School District and Service Employees International Union, Local 99, AFL-CIO, is hereby DISMISSED in its entirety without leave to amend.

PER CURIAM

PUBLIC EMPLOYMENT RELATIONS BOARD

Angeles Regional Office
50 Wilshire Blvd., Suite 1703
Angeles, California 90010
3) 736-3127



July 22, 1981

Mr. Howard O. Watts

Re: LA-PN-36
Los Angeles Unified School District

Dear Mr. Watts:

Your public notice complaint against the Los Angeles Unified School District (LAUSD) and the Los Angeles City and County School Employees Union, Local 99 of the Service Employees International Union, AFL-CIO (Local 99) was filed with this office June 3, 1981. Based on the results of an examination of the complaint, the regional director has determined that it fails to state a prima facie violation of Government Code section 3547 and cannot be amended to state a prima facie violation. You have declined to withdraw the complaint. The complaint is hereby DISMISSED WITHOUT LEAVE TO AMEND.

Your first complaint is that the LAUSD twice violated Government Code section 3547 by failing to post copies of two initial proposals on a district bulletin board. There is, however, nothing in section 3547 which requires such a posting. The law does provide that initial proposals must, after they are presented, be held as public records so that members of the public may have access to them and become informed of their content. The LAUSD has a written policy on public notice matters, a copy of which you filed as an exhibit with your complaint. That policy sets out the times and places where persons may go to learn about initial proposals. The LAUSD policy complies with the law.

Your second complaint is that the LAUSD and Local 99 violated section 3547 by failing to make copies of a reopener proposal available in the district Board Room on the day public response was received. You have alleged violation of section 3547 on identical grounds in previous complaints and this issue has been decided by the PERB Board itself. In its Decision No. 153 (12/30/80) the Board affirmed the findings, conclusions and determination of the regional director who dismissed your complaint LA-PN-20 against the Los Angeles Community College District. Repetition of the complaint, even in a different school district, will result in dismissal -- this time and every time.

This determination may be appealed to the Board itself at the headquarters office in accordance with the provisions of Division 1, Chapter 4, Article 2 of the PERB Regulations. The new address of the PERB Headquarters Office is 1031 18th Street, Sacramento, CA 95814. Any appeal must be filed within 10 days following the date of service of this letter of dismissal.

Please contact me if you have any questions.

Very truly yours,

Frances A. Kreiling
Regional Director

(John J. Ortega)
Representative

JJO:eb

cc: William Sharp
Howard M. Friedman