

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



In the Matter of:)
) Case Nos. SF-RR-1002 et al.
UNIT DETERMINATION FOR CLERICAL)
EMPLOYEES OF THE UNIVERSITY OF)
CALIFORNIA PURSUANT TO CHAPTER 744)
OF THE STATUTES OF 1978 (HIGHER) PERB Decision No. 244-H
EDUCATION EMPLOYER-EMPLOYEE)
RELATIONS ACT)) September 30 , 1982

Appearances; Robert J. Bezemek, Attorney (VanBourg, Allen, Weinberg & Roger) for United Health Care Employees, SEIU; Hirsch Adell and Glenn Rothner, Attorneys (Reich, Adell & Crost) and Les Chisholm for American Federation of State, County and Municipal Employees, AFL-CIO; Christine A. Bologna, Attorney, Wayne Heine and Gerald B. Radeleff for California State Employees' Association; Patrick J. Szymanski, Attorney (Beeson, Tayer, Kovach & Silbert) for Brotherhood of Teamster and Auto Truck Drivers, Local No. 70; Jerrold C. Schaefer and Judith Droz Keyes, Attorneys (Corbett, Kane & Berk) for the Regents of the University of California.

Before: Tovar, Jaeger, Morgenstern and Jensen, Members.*

I.

INTRODUCTION

The Higher Education Employer-Employee Relations Act (hereafter HEERA)¹ became effective July 1, 1979 as a result of legislation enacted by the California Legislature in 1978. The legislation granted jurisdiction over the HEERA to

*Chairperson Gluck did not participate in this Decision.

¹The HEERA is codified at Government Code section 3560 et seq. All statutory references hereafter are to the Government Code unless otherwise indicated.

the Public Employment Relations Board (hereafter PERB or Board). Its terms extend the opportunity for collective negotiations to, among others, employees of the University of California and their designated representatives.² As an initial step in the representational process, PERB has authority to determine the appropriate units for employees of UC.³

Pursuant to rules and regulations adopted by the Board,⁴ various employee organizations filed petitions with the Board describing the units they believed to be appropriate. Parties to the instant case then participated in the unit determination hearing conducted by a PERB hearing officer who thereafter transmitted the entire record along with his unit recommendations to the Board itself for decision.

In Unit Determination for Technical Employees of the University of California (9/30/82), PERB Decision No. 241-H, the Board determined that three units of technical employees were appropriate. Based on the evidence and the briefs submitted by

²In addition to providing exclusive representation of employees in appropriate units by employee organizations, HEERA also makes it unlawful for the employer or the employee organization to commit certain acts and requires the employer and the exclusive representative to meet and confer in good faith and endeavor to reach an agreement on matters within the scope of representation.

³Subsection 3563(a).

⁴PERB rules and regulations regarding HEERA are codified at California Administrative Code, title 8, section 50000 et seq.

the parties as well as the hearing officer's recommendations, and pursuant to the statutory unit determination criteria,⁵ the Board has determined that the following additional unit is appropriate:

Clerical and Allied Services Unit (excluding employees of Lawrence Livermore National Laboratory).

THE CLERICAL PETITIONS

Petitions describing a unit of clerical employees have been filed by the American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME), the California State Employees Association (CSEA), and United Health Care Employees, SEIU, Locals 102, 250 and 434 (SEIU). The petitions of AFSCME and CSEA are virtually the same. Each has requested a clerical unit which is essentially systemwide, excluding only those employees at the Lawrence Livermore National Laboratory. The University agrees that such a unit would be appropriate. SEIU has requested a unit which consists of all the clerical workers employed at the University's medical facilities. SEIU's petition is thus in conflict with those of AFSCME and CSEA. For the reasons set forth by the hearing officer at pp. 36-46 of his recommendations to the Board Re Staff Operations

⁵See this Board's preceding decision, Unit Determination for Technical Employees of the University of California (9/30/82) PERB Decision No. 241-H, pp. 3-6, for a review of the statutory unit determination criteria. That discussion is incorporated herein by reference.

Employees (2/8/82), we find the petitions of CSEA and AFSCME for a systemwide clerical unit (excluding employees of Lawrence Livermore National Laboratory) to be appropriate, and that of SEIU to be inappropriate.

We note that while we adopt the hearing officer's recommendation that hospital unit service coordinators (9257-9259) and medical records technicians (9266-9266) should be excluded from this unit (see Unit Determination for Technical Employees of the University of California (9/30/82), PERB Decision No. 241-H for the disposition of patient care and technical classes), we decline to adopt his recommendation that hospital medical transcribers (4687-4688) and patient record abstractors (4716-4719) also be excluded. These classes were petitioned for by both AFSCME and CSEA, and we agree that incumbents of the classes perform clerical duties and share a close community of interest with the other clerical employees petitioned for by AFSCME and CSEA. Neither were these classes included in SEIU's petition for a patient care and technical unit (see Unit Determination for Technical Employees of the University of California (9/30/82), PERB Decision No. 241-H). Thus we would not adopt the hearing officer's recommendation that these classes be included in that unit proposed by SEIU.

ORDER

Based on the entire record in this case, the Public Employment Relations Board hereby ORDERS that:

1. A unit composed of all clerical and allied employees of the University of California, excluding those employed at the Lawrence Livermore National Laboratory, is appropriate for the purpose of meeting and conferring in good faith pursuant to Government Code section 3560, et seq. The employment classes included in this unit are set forth in the attached appendix.

2. The unit found appropriate shall exclude managerial, supervisory and confidential employees of the University.

3. Any technical errors in this ORDER shall be presented to the director of representation, who shall take appropriate action thereon in accordance with this decision.

4. The Board hereby ORDERS a representation election in this unit and the general counsel is hereby directed to proceed in accordance with California Administrative Code, title 8, part 3, division 4.

By the BOARD

CLERICAL AND ALLIED SERVICES UNIT

| <u>Class Code</u> | <u>Class Title</u> |
|-------------------|-------------------------------------|
| 4513 | Communications Attendant |
| 4612 | Senior Cashier |
| 4613 | Cashier |
| 4621 | Senior Collections Representative |
| 4622 | Collections Representative |
| 4671 | Principal Clerk |
| 4672 | Senior Clerk |
| 4673 | Clerk |
| 4677 | Senior Hospital Biller |
| 4678 | Hospital Biller |
| 4681 | Principal Typist Clerk |
| 4682 | Senior Typist Clerk (A) |
| 4683 | Senior Typist Clerk (B) |
| 4687 | Senior Hospital Medical Transcriber |
| 4688 | Hospital Medical Transcriber |
| 4691 | Senior Graphic Compositor |
| 4692 | Graphic Compositor |
| 4706 | Office Supervisor II |
| 4707 | Office Supervisor I |
| 4712 | Administrative Assistant III |
| 4713 | Administrative Assistant II |

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|------|-------------------------------|
| 4714 | Administrative Assistant I |
| 4715 | Administrative Assistant |
| 4716 | Patient Record Abstractor IV |
| 4717 | Patient Record Abstractor III |
| 4718 | Patient Record Abstractor II |
| 4719 | Patient Record Abstractor I |
| 4722 | Assistant III |
| 4723 | Assistant II |
| 4724 | Assistant I |
| 4772 | Lead Key Entry Operator |
| 4773 | Key Entry Operator |
| 4774 | Assistant Key Entry Operator |
| 4874 | Messenger |
| 4919 | Assistant IV |
| 4920 | Assistant III |
| 4921 | Assistant II |
| 4922 | Assistant I |
| 4961 | Senior Coder |
| 4962 | Coder |
| 4999 | Senior Legal Secretary |
| 5000 | Legal Secretary |
| 5006 | Secretary III |
| 5007 | Secretary II |
| 5008 | Secretary I |
| 5009 | Secretary I (Shorthand) |

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|-------|--|
| 6456 | Program Assistant II |
| 6457 | Program Assistant I |
| 6493 | Visitor Program Assistant |
| 6694 | Translator-Technical |
| 6732 | Bibliographer II |
| 6733 | Bibliographer I |
| 6759 | Library Assistant IV |
| 6760 | Library Assistant III |
| 6761 | Library Assistant II |
| 6762 | Library Assistant I |
| 7191 | Principal Data Processing Production Coordinator |
| 7192 | Senior Data Processing Production Coordinator |
| 7193 | Data Processing Production Coordinator |
| 7232 | Senior Survey Worker |
| 7233 | Survey Worker |
| 9031 | Principal Admitting Worker |
| 9032 | Senior Admitting Worker |
| 9033 | Admitting Worker |
| 518.1 | Administrative Services I |
| 518.2 | Administrative Services II |
| 518.3 | Administrative Services III |
| 518.4 | Administrative Services IV |
| 518.5 | Administrative Services V |
| 642.0 | Dispatcher, Emergency Communications |