

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



IN THE MATTER OF:)
)
UNIT DETERMINATION FOR) Case Nos. SF-PC-1001 et al.
PROFESSIONAL NON-ACADEMIC SENATE)
RESEARCH EMPLOYEES OF THE) Request for Reconsideration
UNIVERSITY OF CALIFORNIA PURSUANT) PERB Decision No. 270-H
TO CHAPTER 744 OF THE STATUTES)
OF 1978 (HIGHER EDUCATION) PERB Decision No. 270c-H
EMPLOYER-EMPLOYEE RELATIONS ACT) April 27, 1984

Appearances: Robert J. Bezemek, Attorney (Bennett & Bezemek) for University Council, American Federation of Teachers; Glenn Rothner, Attorney (Reich, Adell & Crost) for American Federation of State, County and Municipal Employees, AFL/CIO; Douglas H. Barton, Kent Jonas and Susan C. Paulsen, Attorneys (Corbett, Kane, Berk & Barton) and James N. Odle, Associate Counsel for the Regents of the University of California.

Before Tovar, Jaeger, Morgenstern and Burt, Members.

DECISION

In PERB Decision No. 270-H, issued on December 28, 1982, the Public Employment Relations Board (PERB or Board) created two separate bargaining units for non-academic senate professional employees of the University of California (UC). These are the non-academic senate instructional unit (instructional unit) and the research and allied professionals unit. Thereafter the Board received requests for reconsideration regarding these units from the University of California; University Council, American Federation of Teachers (AFT); and American Federation of State, County and Municipal Employees (AFSCME). In PERB Decision No. 270a-H, issued on

October 24, 1983, the Board decided the portions of the parties' requests for reconsideration relating to the instructional unit. The remaining issues, those concerning research professionals, are dealt with herein.

PERB rule 32410(a)¹ pertains to reconsideration of Board decisions and states:

Any party to a decision of the Board itself may, because of extraordinary circumstances, file a request to reconsider the decision within 20 days following the date of service of the decision. An original and 5 copies of the request for reconsideration shall be filed with the Board itself in the headquarters office and shall state with specificity the grounds claimed and, where applicable, shall specify the page of the record relied on. Service and proof of service of the request pursuant to Section 32140 are required. The grounds for requesting reconsideration are limited to claims that the decision of the Board itself contains prejudicial errors of fact, or newly discovered evidence or law which was not previously available and could not have been discovered with the exercise of reasonable diligence.

PERB has considered the requests for reconsideration and has determined that extraordinary circumstances exist which warrant reconsideration of PERB Decision No. 270-H. These circumstances include the volume and complexity of the evidence presented, and the magnitude of the overall unit determination process for UC employees. The Board believes that use of the

¹PERB rules are codified at California Administrative Code, title 8, section 31001 et seq.

procedures outlined in rule 32410 is the most efficient and expeditious method to remedy any alleged error or oversight.

Additionally, the parties² have entered into stipulations covering all issues raised in the requests for reconsideration. The parties have amended or withdrawn their various requests, arriving at agreement that two units of research employees are appropriate: the first comprised of all non-senate academic research professionals (approximately 4800 employees) and the second of all research support professionals (approximately 3400 employees). The parties have also agreed upon corrections of all technical errors previously raised in their requests for reconsideration.

It is PERB's policy to encourage voluntary settlements among the parties subject to its jurisdiction.³ Upon review

²The University Council, AFT, did not request reconsideration of any portion of Decision No. 270-H relating to research professionals, and did not petition to appear on the ballot in a representation election for research professionals. The only organization to successfully petition for these employees by the deadline established by PERB Decision No. 270-H (January 21, 1983) was AFSCME. Thus, AFSCME and UC are the only parties to the continuing unit determination proceeding.

³Board rule 51000 provides:

Voluntary Resolution of Disputes. It is the policy of the Board to encourage the persons covered by the HEERA to resolve questions of representation by agreement among themselves, provided such agreement is not inconsistent with the purposes and policies of the HEERA and the Board.

and reconsideration of the entire record in this matter, the Board finds that it is adequate to support the units requested by the parties. The Board, therefore, approves in its entirety the stipulation submitted by the parties and modifies its Order in PERB Decision No. 270-H accordingly.

ORDER

Based on the foregoing Decision and the record as a whole, the Public Employment Relations Board hereby ORDERS that:

1. Paragraph 2 of the Order in PERB Decision No. 270-H is amended to read:

A unit of non-senate academic research professional employees, set forth in Appendix B, and a unit of research support professional employees, set forth in Appendix C, are appropriate units for the purpose of meeting and conferring in good faith pursuant to Government Code section 3560 et seq.

2. The parties' stipulations regarding technical corrections and changes are approved.

3. The withdrawal of all other requests for reconsideration is approved.

4. 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.

By the BOARD

APPENDIX B

Non-Senate Academic Research Professional Unit #19

<u>Title Code</u>	<u>Job Title</u>
101.4	Staff Scientist 2/Physician
101.5	Staff Scientist 3/Physician
101.7	Staff Senior Scientist 2/Physician
102.1	Post-Doctoral Research Assoc/Medical Scientist
102.2	Divisional Fellow/Medical Scientist
102.3	Staff Scientist 1/Medical Scientist
102.4	Staff Scientist 2/Medical Scientist
102.5	Staff Scientist 3/Medical Scientist
102.6	Staff Senior Scientist 1/Medical Scientist
102.7	Staff Senior Scientist 2/Medical Scientist
103.1	Post-Doctoral Research Assoc/Biochemist
103.2	Divisional Fellow/Biochemist
103.3	Staff Scientist 1/Biochemist
103.4	Staff Scientist 2/Biochemist
103.5	Staff Scientist 3/Biochemist
103.6	Staff Senior Scientist 1/Biochemist
103.7	Staff Senior Scientist 2/Biochemist
105.1	Post-Doctoral Research Assoc/Biologist
105.2	Divisional Fellow/Biologist
105.3	Staff Scientist 1/Biologist
105.4	Staff Scientist 2/Biologist
105.5	Staff Scientist 3/Biologist
105.6	Staff Senior Scientist 1/Biologist
105.7	Staff Senior Scientist 2/Biologist
107.1	Post-Doctoral Research Assoc/Biophysicist
107.2	Divisional Fellow/Biophysicist
107.3	Staff Scientist 1/Biophysicist
107.4	Staff Scientist 2/Biophysicist
107.5	Staff Scientist 3/Biophysicist
107.6	Staff Senior Scientist 1/Biophysicist
107.7	Staff Senior Scientist 2/Biophysicist
109.1	Post-Doctoral Research Assoc/Physiologist
109.2	Divisional Fellow/Physiologist
109.3	Staff Scientist 1/Physiologist
109.4	Staff Scientist 2/Physiologist
109.5	Staff Scientist 3/Physiologist
109.6	Staff Senior Scientist 1/Physiologist
109.7	Staff Senior Scientist 2/Physiologist
111.1	Post-Doctoral Research Assoc/Chemist
111.2	Divisional Fellow/Chemist
111.3	Staff Scientist 1/Chemist
111.4	Staff Scientist 2/Chemist
111.5	Staff Scientist 3/Chemist
111.6	Staff Senior Scientist 1/Chemist
111.7	Staff Senior Scientist 2/Chemist

<u>Title Code</u>	<u>Job Title</u>
113.1	Post-Doctoral Research Assoc/Physicist
113.2	Divisional Fellow/Physicist
113.3	Staff Scientist 1/Physicist
113.4	Staff Scientist 2/Physicist
113.5	Staff Scientist 3/Physicist
113.6	Staff Senior Scientist 1/Physicist
113.7	Staff Senior Scientist 2/Physicist
116.1	Post-Doctoral Research Assoc/Mathematician
116.2	Divisional Fellow/Mathematician
116.3	Staff Scientist 1/Mathematician
116.4	Staff Scientist 2/Mathematician
116.5	Staff Scientist 3/Mathematician
116.6	Staff Senior Scientist 1/Mathematician
116.7	Staff Senior Scientist 2/Mathematician
117.1	Post-Doctoral Research Assoc/Statistician
117.2	Divisional Fellow/Statistician
117.3	Staff Scientist 1/Statistician
117.4	Staff Scientist 2/Statistician
117.5	Staff Scientist 3/Statistician
117.6	Staff Senior Scientist 1/Statistician
117.7	Staff Senior Scientist 2/Statistician
118.1	Post-Doctoral Research Assoc/Comp Sci/Math Programmer
118.2	Divisional Fellow/Comp Sci/Math Programmer
118.3	Staff Scientist 1/Comp Sci/Math Programmer
118.4	Staff Scientist 2/Comp Sci/Math Programmer
118.5	Staff Scientist 3/Comp Sci/Math Programmer
118.6	Staff Senior Scientist 1/Comp Sci/Math Programmer
118.7	Staff Senior Scientist 2/Comp Sci/Math Programmer
120.1	Post-Doctoral Research Assoc/Electronic Engineer
120.2	Divisional Fellow/Electronic Engineer
120.3	Staff Scientist 1/Electronic Engineer
120.4	Staff Scientist 2/Electronic Engineer
120.5	Staff Scientist 3/Electronic Engineer
120.6	Staff Senior Scientist 1/Electronic Engineer
120.7	Staff Senior Scientist 2/Electronic Engineer
121.1	Post-Doctoral Research Assoc/Electrical Engineer
121.2	Divisional Fellow/Electrical Engineer
121.3	Staff Scientist 1/Electrical Engineer
121.4	Staff Scientist 2/Electrical Engineer
121.5	Staff Scientist 3/Electrical Engineer
121.6	Staff Senior Scientist 1/Electrical Engineer
121.7	Staff Senior Scientist 2/Electrical Engineer
122.1	Post-Doctoral Research Assoc/Mechanical Engineer
122.2	Divisional Fellow/Mechanical Engineer
122.3	Staff Scientist 1/Mechanical Engineer
122.4	Staff Scientist 2/Mechanical Engineer
122.5	Staff Scientist 3/Mechanical Engineer
122.6	Staff Senior Scientist 1/Mechanical Engineer
122.7	Staff Senior Scientist 2/Mechanical Engineer

<u>Title Code</u>	<u>Job Title</u>
123.1	Post-Doctoral Research Assoc/Chemical Engineer
123.2	Divisional Fellow/Chemical Engineer
123.3	Staff Scientist 1/Chemical Engineer
123.4	Staff Scientist 2/Chemical Engineer
123.5	Staff Scientist 3/Chemical Engineer
123.6	Staff Senior Scientist 1/Chemical Engineer
123.7	Staff Senior Scientist 2/Chemical Engineer
124.1	Post-Doctoral Research Assoc/Civil Engineer
124.2	Divisional Fellow/Civil Engineer
124.3	Staff Scientist 1/Civil Engineer
124.4	Staff Scientist 2/Civil Engineer
124.5	Staff Scientist 3/Civil Engineer
124.6	Staff Senior Scientist 1/Civil Engineer
124.7	Staff Senior Scientist 2/Civil Engineer
125.1	Post-Doctoral Research Assoc/Ceramic Engineer
125.2	Divisional Fellow/Ceramic Engineer
125.3	Staff Scientist 1/Ceramic Engineer
125.4	Staff Scientist 2/Ceramic Engineer
125.5	Staff Scientist 3/Ceramic Engineer
125.6	Staff Senior Scientist 1/Ceramic Engineer
125.7	Staff Senior Scientist 2/Ceramic Engineer
126.1	Post-Doctoral Research Assoc/Health & Safety Engineer
126.2	Divisional Fellow/Health & Safety Engineer
126.3	Staff Scientist 1/Health & Safety Engineer
126.4	Staff Scientist 2/Health & Safety Engineer
126.5	Staff Scientist 3/Health & Safety Engineer
126.6	Staff Senior Scientist 1/Health & Safety Engineer
126.7	Staff Senior Scientist 2/Health & Safety Engineer
127.1	Post-Doctoral Research Assoc/Industrial Engineer
127.2	Divisional Fellow/Industrial Engineer
127.3	Staff Scientist 1/Industrial Engineer
127.4	Staff Scientist 2/Industrial Engineer
127.5	Staff Scientist 3/Industrial Engineer
127.6	Staff Senior Scientist 1/Industrial Engineer
127.7	Staff Senior Scientist 2/Industrial Engineer
129.1	Post-Doctoral Research Assoc/Petroleum Engineer
129.2	Divisional Fellow/Petroleum Engineer
129.3	Staff Scientist 1/Petroleum Engineer
129.4	Staff Scientist 2/Petroleum Engineer
129.5	Staff Scientist 3/Petroleum Engineer
129.6	Staff Senior Scientist 1/Petroleum Engineer
129.7	Staff Senior Scientist 2/Petroleum Engineer
130.1	Post-Doctoral Research Assoc/Nuclear Engineer
130.2	Divisional Fellow/Nuclear Engineer
130.3	Staff Scientist 1/Nuclear Engineer
130.4	Staff Scientist 2/Nuclear Engineer
130.5	Staff Scientist 3/Nuclear Engineer
130.6	Staff Senior Scientist 1/Nuclear Engineer
130.7	Staff Senior Scientist 2/Nuclear Engineer

Title CodeJob Title

131.1	Post-Doctoral Research Assoc/Structural Engineer
131.2	Divisional Fellow/Structural Engineer
131.3	Staff Scientist 1/Structural Engineer
131.4	Staff Scientist 2/Structural Engineer
131.5	Staff Scientist 3/Structural Engineer
131.6	Staff Senior Scientist 1/Structural Engineer
131.7	Staff Senior Scientist 2/Structural Engineer
132.1	Post-Doctoral Research Assoc/Mining Engineer
132.2	Divisional Fellow/Mining Engineer
132.3	Staff Scientist 1/Mining Engineer
132.4	Staff Scientist 2/Mining Engineer
132.5	Staff Scientist 3/Mining Engineer
132.6	Staff Senior Scientist 1/Mining Engineer
132.7	Staff Senior Scientist 2/Mining Engineer
133-1	Post-Doctoral Research Assoc/Architect
133.2	Divisional Fellow/Architect
133.3	Staff Scientist 1/Architect
133.4	Staff Scientist 2/Architect
133.5	Staff Scientist 3/Architect
133.6	Staff Senior Scientist 1/Architect
133.7	Staff Senior Scientist 2/Architect
140.1	Post-Doctoral Research Assoc/Metallurgist
140.2	Divisional Fellow/Metallurgist
140.3	Staff Scientist 1/Metallurgist
140.4	Staff Scientist 2/Metallurgist
140.5	Staff Scientist 3/Metallurgist
140.6	Staff Senior Scientist 1/Metallurgist
140.7	Staff Senior Scientist 2/Metallurgist
141.1	Post-Doctoral Research Assoc/Hydrologist
141.2	Divisional Fellow/Hydrologist
141.3	Staff Scientist 1/Hydrologist
141.4	Staff Scientist 2/Hydrologist
141.5	Staff Scientist 3/Hydrologist
141.6	Staff Senior Scientist 1/Hydrologist
141.7	Staff Senior Scientist 2/Hydrologist
142.1	Post-Doctoral Research Assoc/Geophysicist
142.2	Divisional Fellow/Geophysicist
142.3	Staff Scientist 1/Geophysicist
142.4	Staff Scientist 2/Geophysicist
142.5	Staff Scientist 3/Geophysicist
142.6	Staff Senior Scientist 1/Geophysicist
142.7	Staff Senior Scientist 2/Geophysicist
143.1	Post-Doctoral Research Assoc/Prog Mgmt Eng/Sci
143.2	Divisional Fellow/Prog Mgmt Eng/Sci
143.3	Staff Scientist 1/Prog Mgmt Eng/Sci
143.4	Staff Scientist 2/Prog Mgmt Eng/Sci
143.5	Staff Scientist 3/Prog Mgmt Eng/Sci
143.6	Staff Senior Scientist 1/Prog Mgmt Eng/Sci
143.7	Staff Senior Scientist 2/Prog Mgmt Eng/Sci

Title CodeJob Title

144.1	Post-Doctoral Research Assoc/Geological Eng
144.2	Divisional Fellow/Geological Eng
144.3	Staff Scientist 1/Geological Eng
144.4	Staff Scientist 2/Geological Eng
144.5	Staff Scientist 3/Geological Eng
144.6	Staff Senior Scientist 1/Geological Eng
144.7	Staff Senior Scientist 2/Geological Eng
145.1	Post-Doctoral Research Assoc/Geologist
145.2	Divisional Fellow/Geologist
145.3	Staff Scientist 1/Geologist
145.4	Staff Scientist 2/Geologist
145.5	Staff Scientist 3/Geologist
145.6	Staff Senior Scientist 1/Geologist
145.7	Staff Senior Scientist 2/Geologist
146.1	Post-Doctoral Research Assoc/Geochemist
146.2	Divisional Fellow/Geochemist
146.3	Staff Scientist 1/Geochemist
146.4	Staff Scientist 2/Geochemist
146.5	Staff Scientist 3/Geochemist
146.6	Staff Senior Scientist 1/Geochemist
146.7	Staff Senior Scientist 2/Geochemist
147.1	Post-Doctoral Research Assoc/Economist
147.2	Divisional Fellow/Economist
147.3	Staff Scientist 1/Economist
147.4	Staff Scientist 2/Economist
147.5	Staff Scientist 3/Economist
147.6	Staff Senior Scientist 1/Economist
147.7	Staff Senior Scientist 2/Economist
148.1	Post-Doctoral Research Assoc/Energy/Envir Policy Analyst
148.2	Divisional Fellow/Energy/Envir Policy Analyst
148.3	Staff Scientist 1/Energy/Envir Policy Analyst
148.4	Staff Scientist 2/Energy/Envir Policy Analyst
148.5	Staff Scientist 3/Energy/Envir Policy Analyst
148.6	Staff Senior Scientist 1/Energy/Envir Policy Analyst
148.7	Staff Senior Scientist 2/Energy/Envir Policy Analyst
149.1	Post-Doctoral Research Assoc/Marine Scientist
149.2	Divisional Fellow/Marine Scientist
149.3	Staff Scientist 1/Marine Scientist
149.4	Staff Scientist 2/Marine Scientist
149.5	Staff Scientist 3/Marine Scientist
149.6	Staff Senior Scientist 1/Marine Scientist
149.7	Staff Senior Scientist 2/Marine Scientist

<u>Title Code</u>	<u>Job Title</u>
150.1	Post-Doctoral Research Assoc/Ecologist
150.2	Divisional Fellow/Ecologist
150.3	Staff Scientist 1/Ecologist
150.4	Staff Scientist 2/Ecologist
150.5	Staff Scientist 3/Ecologist
150.6	Staff Senior Scientist 1/Ecologist
150.7	Staff Senior Scientist 2/Ecologist
1915	Strict Full Time (SFT) - Veterinary Medicine (VM) - Junior _____ in Agricultural Extension Station (A.E.S.)
1916	SFT - VM - Act Junior _____ in A.E.S.
1917	SFT - VM - Assistant _____ in A.E.S.
1918	SFT - VM - Act Assistant _____ in A.E.S.
1919	SFT - VM - Associate _____ in A.E.S.
1920	SFT - VM - Act Associate _____ in A.E.S.
1921	SFT - VM - _____ in A.E.S.
1922	SFT - VM - Act _____ in A.E.S.
1932	SFT/COMP Plan - Assistant Research
1933	SFT/COMP Plan - Associate Research
1934	SFT/COMP Plan - Research
1938	Rotating Research Professor - 9 mos.
1948	Rotating Research Professor - 11 mos.
1981	Research _____ 9 mos. State Funds - Bu3/Eng
1982	Research _____ 9 mos. Extramural Funds - Bus/Eng
1983	_____ 9 mos. State Funds - Associate Research
1984	Bus/Eng _____ 9 mos. Extramural Associate Research
1985	Funds - Bus/Eng _____ 9 mos. State Funds - Assistant Research
1986	Bus/Eng _____ 9 mos. Extramural Assistant Research
1987	Funds - Bus/Eng _____ 11 mos. - Bus/Eng
1988	Research Research _____ 11 mos. - Bus/Eng
1989	Assistant Research _____ 11 mos. - Bus/Eng
3000	_____ in A.E.S.
3001	_____ in A.E.S. - SFT - VM
3004	Specialist in the A.E.S.
3005	_____ in A.E.S. - F.E.R.P.
3006	_____ in A.E.S. - Recalled to Active Duty
3010	Associate _____ in A.E.S.
3011	Associate _____ in A.E.S. - SFT - VM
3012	
3013	_____ in the A.E.S. - Bus/Eng
3014	Associate _____ in the A.E.S. - Bus/Eng
3015	Assistant Specialist in the A.E.S. - Bus/Eng
3020	Assistant _____ in the A.E.S. - SFT - VM
3021	Assistant _____ in the A.E.S. - SFT - VM
3024	Assistant Specialist in the A.E.S.

<u>Title Code</u>	<u>Job Title</u>
3030	Junior _____ in the A.E.S.
3031	Junior _____ in the A.E.S. - SFT - VM
3034	Junior Specialist in the A.E.S.
3050	Associate in A.E.S.
3100	Astronomer
3106	Astronomer - Recalled to Active Duty
3110	Associate Astronomer
3120	Assistant Astronomer
3130	Junior Astronomer
3200	Research _____ 11 mos.
3203	Research _____ 9 mos. State Funds
3204	RES _____ CEB - Law School Scale
3205	Research _____ 9 mos. Extramural Funds
3206	Research _____ Strict Full Time
3209	Research _____ Recalled to Active Duty
3210	Associate Research _____ 11 mos.
3213	Associate Research _____ 11 mos. State Funds
3214	Associate Research Attorney - CEB
3215	Associate Research _____ 11 mos. Extramural
3216	Associate Research _____ SFT
3220	Assistant Research _____ 11 mos.
3223	Assistant Research _____ 9 mos. State Funds
3224	Assistant Research Attorney - CEB
3225	Assistant Research _____ 9 mos. Extramural
3226	Assistant Research _____ SFT
3230	Field Program Supervisor
3234	Associate Field Program Supervisor
3236	Assistant Field Program Supervisor
3240	Postgrad Research _____ 11 mos.
3243	Postgrad Research _____ 9 mos. State Funds
3245	Postgrad Research _____ 9 mos. Extramural
3300	Specialist
3310	Associate Specialist
3320	Assistant Specialist
3330	Junior Specialist
3401	Cooperative Extension Specialist
3411	Associate Cooperative Extension Specialist
3421	Assistant Cooperative Extension Specialist
3431	Junior Cooperative Extension Specialist
3441	Cooperative Extension Advisor
3451	Associate Cooperative Extension Advisor
3461	Assistant Cooperative Extension Advisor
3471	Junior Cooperative Extension Advisor
3475	Assistant Cooperative Extension (Agronomist)
3477	Associate Cooperative Extension (Agronomist)
3479	Cooperative Extension (Agronomist)
3500	Continuing Education Specialist VIII
3501	Coordinator of Public Programs VIII

<u>Title Code</u>	<u>Job Title</u>
3502	Continuing Education Specialist VII
3503	Coordinator of Public Programs VII
3504	Continuing Education Specialist VI
3505	Coordinator of Public Programs VI
3506	Continuing Education Specialist V
3507	Coordinator of Public Programs V
3508	Continuing Education Specialist IV
3509	Coordinator of Public Programs IV
3510	Continuing Education Specialist III
3511	Coordinator of Public Programs III
3512	Continuing Education Specialist II
3513	Coordinator of Public Programs II
3514	Continuing Education Specialist I
3515	Coordinator of Public Programs I
3540	Program Coordinator
3650	Curator
3651	Associate Curator
3652	Assistant Curator

APPENDIX C

Research Support Professional Unit #27

<u>Title Code</u>	<u>Job Title</u>
381.1	Research Associate I
381.2	Research Associate II
381.3	Research Associate III
9520	Spectroscopist
Staff Research Associate IV	
9611	Staff Research Associate III
9612	Staff Research Associate II
9613	Staff Research Associate I
9642	Marine Technician III
9643	Marine Technician II
9644	Marine Technician I
9722	Senior Museum Scientist
9723	Museum Scientist
9724	Assistant Museum Scientist