



In its request for reconsideration, CSU argues that evidence that an employee organization at San Jose State University was permitted to use the internal campus mail system without complying with the verification requirement under Title 5 of the California Administrative Code, section 43710<sup>2</sup> is insufficient to

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(b) Deny to employee organizations rights guaranteed to them by this chapter.

<sup>2</sup>California Administrative Code, Title 5, section 43710, states:

Verification of Employer Organizations.

Each employee organization which desires to represent campus employees shall be required to furnish the Office of the Chancellor at the time of initial verification and subsequently between October 1 and 15 of each year, a written statement containing:

(a) The name and addresses of the employee organization's principal officers and all representatives who are authorized to represent the organization, specifying to which campus(s) each officer's and representative's authority applies.

(b) The names and addresses of the employee organization's principal officers and all representatives who are authorized to represent the organization, specifying to which campus(s) each officer's and representative's authority applies.

(c) A description of the employee classifications the employee organization is seeking to represent.

(d) A copy of the Constitution and By-laws of the organization, its parent body, if any, and its affiliates, if any.

(e) A statement that one of the organization's purposes is the representation of CSU employees concerning, in whole or in part, grievances, labor disputes, wages,

prove inconsistent or discriminatory application of the verification requirement by CSU. This argument is well taken. As there is no evidence that CSU applied the verification requirement in an inconsistent or discriminatory fashion, or that the administration at one campus would necessarily have knowledge of the policies being implemented at another campus, including the enforcement or non-enforcement of the verification requirement, the Board agrees with CSU that its finding of a violation of section 3571(b) based on an inconsistent or discriminatory application of the verification requirement is improper. However, the Board's findings that the imposition of a \$20 distribution fee constituted an unreasonable regulation in violation of section 3571(b) and that Concerned Employees' flyer did not constitute a "letter" under the federal postal regulations are upheld.

ORDER

The Board hereby MODIFIES PERB Decision No. 729-H consistent with the above discussion. Such modification does not alter the Order in PERB Decision No. 729-H.

Chairperson Hesse and Member Shank joined in this Decision.

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hours, and other terms and conditions of employment of employees.

Employee organizations shall promptly amend these written statements during each year as changes occur. The Office of the Chancellor will notify each campus of the filings concerning the campus.