



STATE OF CALIFORNIA
PUBLIC EMPLOYMENT RELATIONS BOARD
UNFAIR PRACTICE CHARGE

PUBLIC EMPLOYMENT
RELATIONS BOARD
HEADQUARTERS OFFICE
2010 MAY 27 PM 1:26

DO NOT WRITE IN THIS SPACE: Case No: _____ Date Filed: _____

INSTRUCTIONS: File the original and one copy of this charge form in the appropriate PERB regional office (see PERB Regulation 32075), with proof of service attached to each copy. Proper filing includes concurrent service and proof of service of the charge as required by PERB Regulation 32615(c). All forms are available from the regional offices or PERB's website at www.perb.ca.gov. If more space is needed for any item on this form, attach additional sheets and number items.

IS THIS AN AMENDED CHARGE? YES NO

1. CHARGING PARTY: EMPLOYEE EMPLOYEE ORGANIZATION EMPLOYER PUBLIC¹

a. Full name: SEIU Local 1000
 b. Mailing address: 1808 14th Street, Sacramento, CA 95811
 c. Telephone number: (916) 554-1279
 d. Name, title and telephone number of person filing charge: Patricia Cano, Staff Attorney (916) 554-1279
 e. Bargaining unit(s) involved: 1, 4

2. CHARGE FILED AGAINST: (mark one only) EMPLOYEE ORGANIZATION EMPLOYER

a. Full name: Department Personnel Administration
 b. Mailing address: 1515 "S" Street, North Building, Suite 400, Sacramento, CA 95811
 c. Telephone number: (916) 324-0455
 d. Name, title and telephone number of agent to contact: Debbie Endsley, Director (916) 322-5193

3. NAME OF EMPLOYER (Complete this section only if the charge is filed against an employee organization.)

a. Full name:
 b. Mailing address:

4. APPOINTING POWER: (Complete this section only if the employer is the State of California. See Government Code section 18524.)

a. Full name: State Compensation Insurance Fund
 b. Mailing address: 1275 Market Street, San Francisco, CA 94103
 c. Agent: Doug Stewart

¹ An affected member of the public may only file a charge relating to an alleged public notice violation, pursuant to Government Code section 3523, 3547, 3547.5, or 3595, or Public Utilities Code section 99569.

5. GRIEVANCE PROCEDURE

Are the parties covered by an agreement containing a grievance procedure which ends in binding arbitration?

Yes No

6. STATEMENT OF CHARGE

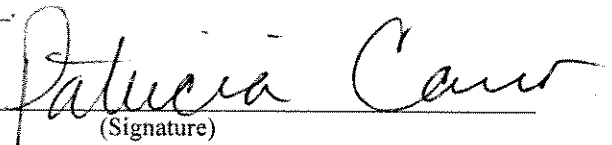
- a. The charging party hereby alleges that the above-named respondent is under the jurisdiction of: (check one)
 - Educational Employment Relations Act (EERA) (Gov. Code sec. 3540 et seq.)
 - Ralph C. Dills Act (Gov. Code sec. 3512 et seq.)
 - Higher Education Employer-Employee Relations Act (HEERA) (Gov. Code sec. 3560 et seq.)
 - Meyers-Miliias-Brown Act (MMBA) (Gov. Code sec. 3500 et seq.)
 - Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act (TEERA) (Pub. Utilities Code sec. 99560 et seq.)
 - Trial Court Employment Protection and Governance Act (Trial Court Act) (Article 3; Gov. Code sec. 71630 – 71639.5)
 - Trial Court Interpreter Employment and Labor Relations Act (Court Interpreter Act) (Gov. Code sec. 71800 et seq.)
- b. The specific Government or Public Utilities Code section(s), or PERB regulation section(s) alleged to have been violated is/are: 3515, 3517 & 3519 (a), (b), (c), (d) +
- c. For MMBA, Trial Court Act and Court Interpreter Act cases, if applicable, the specific local rule(s) alleged to have been violated is/are *(a copy of the applicable local rule(s) MUST be attached to the charge):*
- d. Provide a clear and concise statement of the conduct alleged to constitute an unfair practice including, where known, the time and place of each instance of respondent's conduct, and the name and capacity of each person involved. This must be a statement of the facts that support your claim and *not conclusions of law*. A statement of the remedy sought must also be provided. *(Use and attach additional sheets of paper if necessary.)*
(See attached)

DECLARATION

I declare under penalty of perjury that I have read the above charge and that the statements herein are true and complete to the best of my knowledge and belief and that this declaration was executed on May 27, 2010 (Date)

at Sacramento, CA (City and State)

Patricia Cano
(Type or Print Name)


(Signature)

Title, if any: Staff Attorney

Mailing address: SEIU Local 1000, Legal Department
1808 14th Street, Sacramento, CA 95811

Telephone Number: (916) 554-1279

ATTACHMENT

STATEMENT OF THE CHARGE

The Service Employees International Union Local 1000 (hereafter "Union") is the exclusive bargaining representative pursuant to the Ralph C. Dills Act ("Dills Act") for State employees in Bargaining Units 1, 3, 4, 11, 14, 15, 17, 20, and 21. SEIU is an affiliate of the California State Employees Association ("CSEA"). Both SEIU and CSEA are nonprofit mutual benefit corporations under State law. This charge alleges that the State Compensation Insurance Fund ("SCIF") violated sections, 3515, 3517 and 3519 of the Dills Act by refusing to provide necessary and relevant information to the Union.

STATEMENT OF FACTS

In order to carry out its role as the exclusive representative and effectively represent its members, the Union requested information from SCIF regarding the access of SCIF work sites. SCIF failed to provide the information requested.

On January 12, 2010 the Union requested the following information from SCIF:

- Information related to access of SCIF locations by all non-employees, including vendors.
- Information related to areas of access of SCIF locations by non-employees, including vendors.
- Information related to access doors or entry points at all SCIF locations by all non-employees, including vendors.
- Copies of all policies or procedures regarding access at SCIF.
- Copies of all audits, reports, or memorandums regarding access of SCIF locations by non-employees, including vendors. (Exhibit A.)

The January 12th request specified that it was made pursuant to the Public Records Act (Government Code section 6251 *et. seq.*) and the Ralph C. Dills Act (Government Code § 3512. *et. seq.*). Additionally, the request was sent to SCIF's Public Records Office and to Jean Rowan, Labor Relations Manager. (*Id.*)

On January 29, 2010, SCIF only responded to the Union's Public Records Act ("PRA") request. (Exhibit B.) The Union responded to SCIF's letter and once again renewed its Ralph C. Dills Act ("Dills Act") request. (Exhibit C.) Although the Union renewed its information request, SCIF never informed the Union that it had no intention of providing any response to its Dills Act request.

Thereafter, on March 30, 2010, SCIF only provided one response to the Union's PRA request. (Exhibit C.) On April 12, 2010, the Union reiterated the above-referenced January 12th request

for a third time. (Exhibit ^ED.) Moreover, the Union informed SCIF that it is "...entitled to all information that is "necessary and relevant" to the discharge of its duty to represent employees. (*Stockton Unified School District* (1980) PERB Dec. No. 143.) A refusal to provide information after a good faith demand may be a refusal to negotiate in good faith. (*Id.*; see also *State of California (Departments of Personnel Administration and Transportation)* (1997) PERB DEC. No. 1227.)." (Exhibit E.)

Although SCIF was on notice of the Union's Dill Act request since January 12th, SCIF responded by claiming that its Public Records Office was not responsible for handling Dills Act requests. (Exhibit F.) SCIF further stated that the Union should contact Ms. Rowan if it wanted to pursue the Dills Act request. On April 21st, the Union advised SCIF that the January 12th request was also made to Ms. Rowan and that no response was provided by Ms. Rowan. (Exhibit G.) The Union also sent a copy of the its April 21st letter to Ms. Rowan. As of today, SCIF has failed to provide the information request.

To date, SCIF has not responded to the efforts by the Union to obtain this information that is necessary and relevant to the discharge of its duty of representation in negotiations, processing of grievances, and administration of the contract. Such failure violates sections 3515, 3517, and 3519 (a), (b), (c) and (d) of the Dills Act.

A This information is necessary because it will reveal whether the SCIF is allowing non-employees, including vendors, a different and/or higher level of access than the Union. Such conduct may violate the Dills Act and/or the parties' MOU and Access Agreement Side Letter. Moreover, if vendors and non-employees are allowed specialized access rights than the Union needs this information to determine if comparable access rights should be negotiated for its Union members, if they have not been negotiated already. Without the information requested, the Union cannot determine if contract violations or unfair practice charges are occurring at SCIF regarding access. This severely undercuts the Union's ability to represent its members and enforce their rights. It further interferes with members' ability to access their Union, and ensure that the Union is protecting their contractual and administrative rights.

REMEDIES REQUESTED

1. An order that SCIF provide the Union the information requested in its January 12th letter;
2. A declaratory order that SCIF violated the Dills Act;
3. A posting in the manner of the National Labor Relations Board;

4. Attorneys' fees at the lodestar rate; and
5. Any other remedies that would effectuate the purposes of the Dills Act.

