



**PERB**  
California Public Employment  
Relations Board

Los Angeles Regional Office  
425 W. Broadway, Suite 400  
Glendale, CA, 91204-1269  
Telephone: (818) 696-6348



April 6, 2022

Kerianne Steele, Attorney  
Weinberg, Roger & Rosenfeld  
1375 55th Street  
Emeryville, CA 94608

Neha R. Shah, Labor Representative  
California State University Chancellor's Office  
401 Golden Shore 4th Floor  
Long Beach, CA 90802

Re: *California State University Employees Union v. California State University*  
Unfair Practice Charge No. LA-CE-1363-H  
**COMPLAINT**

Dear Parties:

The Office of the General Counsel has issued the enclosed COMPLAINT in the above-entitled matter. The Respondent is required to file an **ANSWER** within twenty (20) calendar days from the date of service of the COMPLAINT, pursuant to PERB Regulation 32644.<sup>1</sup> The required contents of the **ANSWER** are described in PERB Regulation 32644(b).

If you have not filed a Notice of Appearance form, one should be completed and returned with your **ANSWER**. Please be aware that once legal counsel is designated, PERB will only correspond with that individual(s).

An informal settlement conference will be scheduled shortly. Please direct all inquiries, filings and correspondence to the undersigned. Designated legal counsel who do not attend the Informal Conference for any reason, must designate in writing consent that the meeting go forward in their absence, including, but not limited to the execution of a settlement agreement.

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<sup>1</sup> PERB's Regulations are codified at California Code of Regulations, title 8, section 31001 et seq. The text of PERB's Regulations may be found at [www.perb.ca.gov](http://www.perb.ca.gov).

Unfair Practice Charge No. LA-CE-1363-H

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Sincerely,

A handwritten signature in black ink, appearing to read "Mary Weiss", with a long horizontal stroke extending to the right.

Mary Weiss

Supervising Regional Attorney

Enclosure

STATE OF CALIFORNIA

PUBLIC EMPLOYMENT RELATIONS BOARD



CALIFORNIA STATE UNIVERSITY  
EMPLOYEES UNION,

Charging Party,

v.

CALIFORNIA STATE UNIVERSITY,

Respondent.

Case No. LA-CE-1363-H

COMPLAINT

It having been charged by Charging Party that Respondent engaged in unfair practices in violation of Government Code section 3571, the General Counsel of the Public Employment Relations Board (PERB), pursuant to Government Code sections 3563(h), 3563.2, 3551(a) and 3555.5(c)(1) and California Code of Regulations, title 8, section 32640, issues this COMPLAINT on behalf of PERB and ALLEGES:

1. Respondent is an employer within the meaning of Government Code section 3562(g). Respondent is also a “public employer” within the meaning of Government Code sections 3552(c) and 3555.5(a).

2. Charging Party is the exclusive representative, within the meaning of Government Code sections 3562(i), 3552(a), and 3555.5(b)(1), of Respondent’s employees in Bargaining Units 2, 5, 7, and 9 (collectively, Unit).

**PUBLIC EMPLOYEE COMMUNICATION CHAPTER (PECC) § 3558**

3. Beginning May 2021, Respondent provided Charging Party with the roster of employees for the month of May 2021 (May 2021 Roster), but which omitted (or left blank) required contact information, including home telephone numbers, personal cellular numbers, and business numbers.

4. By the acts and conduct described in paragraph 3, Respondent violated Government Code section 3558 and committed an unfair practice under PERB Regulation 32610(e) and (h).

**PROHIBITION ON PUBLIC EMPLOYERS DETERRING OR DISCOURAGING  
UNION MEMBERSHIP (PEDD) § 3550**

5. By the acts and conduct described in paragraph 3, Respondent violated Government Code section 3550 and committed an unfair practice under PERB Regulation 32611(a) and (d).

**INTERFERENCE**

6. By the acts and conduct described in paragraph 3, Respondent interfered with the administration of Charging Party in violation of Government Code section 3571(d).

7. By the conduct described in paragraph 3, Respondent also interfered with the rights of employees to be represented by Charging Party in violation of Government Code section 3571(a).

**UNILATERAL CHANGE & DIRECT DEALING**

8. Prior to May 2021, Respondent did not have a policy allowing employees to opt-out of providing their personal contact information required under Government Code section 3558.

9. Within the May 2021 Roster, Respondent completed several fields for home, cellular, and business telephone numbers with the following response, "Declined to State," instead of providing the required contact numbers.

10. By its conduct in paragraph 9, Respondent adopted an opt-out procedure that allows employees to decline to state information and which directly solicits

employees to opt-out of providing the required contact information by supplying a “Decline to State” option.

11. Respondent engaged in the conduct described in paragraphs 9 and 10 without prior notice to Charging Party and without having afforded Charging Party an opportunity to meet and confer over the decision to implement the change in policy and/or the effects of the change in policy.

12. By the acts and conduct described in paragraphs 9, 10, and 11, Respondent failed and refused to meet and confer in good faith in violation of Government Code section 3571(c). Alternatively, by the same conduct, Respondent attempted to bypass, undermine and derogate the authority of Charging Party in violation of Government Code section 3571(c).

13. By committing the violation(s) described in paragraph 12, Respondent derivatively interfered with the rights of bargaining unit employees to be represented by Charging Party in violation of Government Code section 3571(a).

#### **PEDD §§ 3550 & 3553**

14. By the acts and conduct described in paragraphs 9 and 10, Respondent violated Government Code section 3550 and committed an unfair practice under PERB Regulation 32611(a) and (d).

15. Respondent engaged in the conduct in paragraphs 9 and 10 without having afforded Charging Party an opportunity to meet and confer concerning the content of the mass communication to Unit employees.

16. By the acts and conduct described in paragraph 15, Respondent violated Government Code section 3553 and committed an unfair practice under PERB Regulation 32611(b) and (d).

## COMPLAINT AMENDMENT PROCEDURES

Any amendment to the complaint shall be processed pursuant to California Code of Regulations, title 8, sections 32647 and 32648.

DATED: April 6, 2022

J. Felix De La Torre  
General Counsel

By   
\_\_\_\_\_  
Yaron Partovi  
Senior Regional Attorney

## PROOF OF SERVICE

I declare that I am a resident of or employed in the County of Los Angeles, California. I am over the age of 18 years and not a party to the within entitled cause. The name and address of my residence or business is Public Employment Relations Board, Los Angeles Regional Office, 425 W. Broadway, Suite 400, Glendale, CA, 91204-1269.

On April 6, 2022, I served the Complaint and Cover Letter regarding Case No. LA-CE-1363-H on the parties listed below by

       I am personally and readily familiar with the business practice of the Public Employment Relations Board for collection and processing of correspondence for mailing with the United States Postal Service, and I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States Postal Service at Los Angeles, California.

       Personal delivery.


  X   Electronic service (e-mail).

Kerianne Steele, Attorney  
Weinberg, Roger & Rosenfeld  
1375 55th Street  
Emeryville, CA 94608  
Email: ksteele@unioncounsel.net, perb@unioncounsel.net

Neha R. Shah, Labor Representative  
California State University Chancellor's Office  
401 Golden Shore 4th Floor  
Long Beach, CA 90802  
Email: nshah@calstate.edu, laborrelations@calstate.edu

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 6, 2022, at Glendale, California.

J. Carter  
\_\_\_\_\_  
(Type or print name)

  
\_\_\_\_\_  
(Signature)