



# Little Hoover Commission

1303 J Street, Suite 270 • Sacramento, CA 95814 • (916) 445-2125

**THE PUBLIC EMPLOYMENT RELATIONS BOARD (PERB):  
COSTLY, SLOW AND UNSURE**

**APRIL 1990**





# Little Hoover Commission

1303 J Street, Suite 270 • Sacramento, CA 95814 • (916) 445-2125

April 18, 1990

Nathan Shapell  
*Chairman*

Haig G. Mardikian  
*Vice-Chairman*

Alfred E. Alquist  
*Senator*

Mary Anne Chaker

Albert Gersten

Milton Marks  
*Senator*

Gwen Moore  
*Assemblywoman*

George E. Paras

Abraham Spiegel

Barbara S. Stone

Richard R. Terzian

Phillip D. Wyman  
*Assemblyman*

Jeannine L. English  
*Executive Director*

The Honorable George Deukmejian  
Governor of California

The Honorable David Roberti  
President pro Tempore of the Senate  
and Members of the Senate

The Honorable Willie L. Brown, Jr.  
Speaker of the Assembly  
and Members of the Assembly

The Honorable Kenneth L. Maddy  
Senate Minority Floor Leader

The Honorable Ross Johnson  
Assembly Minority Floor Leader

Dear Governor and Members of the Legislature:

Consistent with its legislative mandate to examine agencies within the executive branch of state government and to assist in promoting economy, efficiency and improved services, the Little Hoover Commission undertook a study of the Public Employment Relations Board (PERB) after public debate raised questions about its efficiency, productivity and effectiveness.

Since the criticisms that occasioned this study focused on the PERB itself and not on its staff or administration, the Commission confined its scrutiny primarily to the functioning of the five-member Board.

To elicit perceptions and recommendations related to the PERB's efficiency, productivity and effectiveness, the Commission received at a public hearing testimony and documentary evidence from the current Chair of the Board<sup>1</sup> and from representatives of labor organizations and employers, among others. (Attachment A contains a list of witnesses from the August 1989 hearing). Commission staff interviewed additional parties who regularly appear before the PERB, former Board members, and present and former PERB staff, and received and reviewed the PERB's reports and responses to the Commission's specific queries. In addition, staff referred to publications which track the PERB, and interviewed the Chair and staff of the New York State PERB, the entity with which the California PERB has been compared.

After an intensive study, the Commission has concluded that the PERB takes too long to issue its decisions and has members that are not qualified by expertise or experience to carry out required duties. In addition, the study revealed that the state is providing an unlimited subsidy for school district collective bargaining costs that currently exceed \$30 million per year.

## **BACKGROUND**

Private sector labor laws were first enacted on a national level in 1935 (the Wagner Act), and expanded and modified by subsequent major legislation in 1947 (Taft-Hartley Act) and in 1959 (Landrum Griffin Act). Under these laws the National Labor Relations Board (NLRB) investigates and adjudicates disputes between employers, employees and their union representatives, and issues decisions which, if upheld, may be enforced by federal courts.

In California, legislation affecting the public sector was first adopted in 1960 (the George Brown Act) and required the state employer to meet and confer with representatives of the state work force on issues relating to salary. That requirement to meet and confer was expanded by the Winton Act of 1965 to include public school employees and the representatives of classified and certificated employees.

Over the next ten years, several schemes to regulate public employment relations and bargaining were introduced in the State Legislature; finally, in 1976, there came the passage of the Education Employment Relations Act (EERA) which defined the rights of public school employees and the responsibilities of the public school employers in language that tracked the federal laws and established a three-member Education Employment Relations Board (EERB) to settle labor disputes and to promote harmony through collective bargaining. The EERB was governor-appointed and functioned as an appellate body hearing appeals from administrative law decisions.

In 1978, the state and all of its employees were brought under the mantle of the State Employer-Employee Relations Act (SEERA), which established a framework for negotiations and dispute resolutions almost identical to that in the EERA. The three-member EERB was expanded to five members, appointed by the Governor for staggered five-year terms, and renamed the Public Employment Relations Board.

The University of California, the California State University and the California State Colleges and their employees were brought under the PERB's jurisdiction when the Higher Education Employer-Employee Relations Act (HEERA) passed in 1979, bringing close to 700,000 the number of public employees in approximately 2,200 bargaining units under the PERB's jurisdiction.

The stated purposes of the EERA, the SEERA and the HEERA (Acts) include the promotion of communication between the employing entities and their employees and the provision of a reasonable method for the resolution of disputes relating to wages, hours, and other terms and conditions of employment. Other objectives of the Acts include the improvement in personnel management and employee-employer relations, and the training and education of the parties to improve the collective bargaining process.

The Acts, which PERB interprets and enforces, achieve their stated purposes by granting to employees the right to "form, join and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations", while also protecting the employees' rights to refuse to join or to participate in the activities of the employee organizations and to represent themselves individually in relation to their employers.

Methods are provided for the establishment and modification of appropriate bargaining units and for the election and decertification of exclusive representatives of those bargaining units.

Aggrieved individuals and parties may allege and, through hearings ultimately appealable to the Board, resolve claims of unfair practices or violations of the Acts.

The obligation of the employer to meet and confer in good faith with the exclusive bargaining representative of the relevant employee group is enforceable through PERB processes and, in the event the parties fail to reach agreement after a reasonable period of time, a mediation procedure is provided for state employer-employee bargaining.

Violations of the Acts, proved to the satisfaction of the PERB's General Counsel and when authorized by the Board, may be enjoined by court orders sought by the PERB, just as the PERB's orders, findings and opinions may be enforced by resort to the state's judicial system.

To accomplish the various broad tasks assigned to it, the PERB established an organizational structure which includes the Board itself, the General Counsel's office, and divisions of administrative law, representation and administrative services.

The General Counsel, appointed by the Governor upon the recommendation of the Board, serves at the pleasure of the Board and assists in the performance of the Board's functions. The General Counsel is the Board's chief legal advisor and represents the Board in court. Charge processing, litigation and representation matters are under the direction of the General Counsel, who also makes recommendations to the Board when and whether to seek court injunctions against alleged unfair practices or violations of the Acts administered by the Board.

The division of administrative law includes the administrative law judges and their supporting staff. The administrative law judges preside at settlement conferences on unfair practice charges and act as judges at hearings to resolve the unfair practice charges, issuing proposed decisions which the parties can accept or appeal to the Board.

The Board's division of representation is responsible for determining the initial makeup of bargaining units processing unit modification requests, and handling elections of exclusive bargaining representatives, decertification elections and elections to approve or reject union security agreements. Additionally, the division of representation is responsible for certifying that collective bargaining negotiations have reached a point at which they should be referred to mediation and/or fact finding.

The division of administrative services is supervised by the Executive Director who performs research and legislative activities for the Board and is responsible for the daily operation of the agency. Increasingly, the administrative services division has coordinated with the purpose of facilitating smoother collective bargaining relations.

### **FINDING #1: THE PERB TAKES TOO LONG TO ISSUE ITS DECISIONS**

Practitioners familiar with the operation of the PERB perennially complain that after matters have been submitted to it, the Board takes an unjustifiably long time to issue its decisions.

In its first four years of operation, the PERB focused on administering and supervising elections to determine the exclusive bargaining representatives. While its staff supervised elections, the Board began issuing decisions interpreting the new public sector labor laws and formulating the precedent which defines the respective rights and duties of the employers and employee representatives. As the Board was interpreting and applying the Acts through its decisions, looking to the National Labor Relations Act for guidance, the absence of binding precedent and the opportunity to shape California labor law spawned at the Board level debate which often resulted in prolonged delays in the issuance of key decisions. Backlogs of undecided cases rose as appeals to the Board outpaced the issuance of decisions.

Recent criticisms in the publication California Public Employment Relations (CPER)<sup>2</sup> documented that California's PERB took more than three times longer to issue its decisions (252 days in fiscal year 1986-87 on the average for all decisions) than did the New York State PERB (60 days); while spending more than five times as much on the salaries of those involved in decision-making than the New York State PERB spends.

Chart I below tabulates the volume of selected PERB activities, unfair practice charges filed and elections conducted, in the fiscal years 1976-77 to 1988-89, together with the agency's annual expenditures and personnel years.

**CHART I**  
**COMPARISON OF UNFAIR PRACTICE CHARGES**  
**ELECTIONS, PERB STAFFING AND BUDGET**  
**1976-77 through 1988-89**

<u>Fiscal Year</u>	<u>Unfair Practice Charges*</u>	<u>Elections*</u>	<u>PERB Staffing Level**</u>	<u>Budget In 1000s**</u>
88-89	412	41	81.9	\$ 5,731
87-88	597	61	85.1	5,827
86-87	660	59	89	5,803
85-86	538	75	85.3	5,526
84-85	622	76	88.5	5,082
83-84	709	78	89	4,672
82-83	654	71	94	4,437
81-82	733	104 <sup>a</sup>	95.4	4,422
80-81	646	91 <sup>a</sup>	88.4	3,955
79-80	524	122 <sup>a</sup>	82.8	3,326
78-79	993 <sup>a</sup>	137 <sup>a</sup>	78.4	2,715
77-78	579 <sup>a</sup>	327 <sup>a</sup>	84	2,676
76-77	140 <sup>a</sup>	113 <sup>a</sup>	64.7	2,057

<sup>a</sup> For calendar year

Source: \* PERB Annual Reports

\*\* Governor's Budget

As the chart illustrates, in the first four years of operation the number of elections ranged from 113 to 327 per year. The average number of elections annually in those years averaged 175. Also during the same period, the number of unfair labor charges which the PERB investigated and processed averaged 559. In succeeding years, up to 1987, the number of unfair practice charges

filed annually leveled at approximately 600, the annual election volume declined to approximately 60, and the number of Board decisions issued annually declined, resulting in the gradual increase of a backlog of cases. The numbers of mediations following impasse in negotiations increased to a peak of 563 in calendar year 1979, and then declined to under 400 annually in recent years.

While the budget more than doubled from 1978 to 1988, the volume of elections conducted by PERB declined eight-fold and unfair practice charge filings, excluding the first year of start-up operation, fell to an historic low of 412.

The statistics on the number and types of PERB decisions and the time taken by the Board to decide cases cannot easily be extracted from any published reports. From raw data provided by the PERB upon request, the Commission staff computed relevant numbers for fiscal years 1986-87 to date. (Attachment B contains the raw data submitted by the PERB) Chart II shows the total number of PERB decisions issued annually and the number of decisions the Board issued excluding reviews of administrative actions.

**CHART II**

**NUMBER OF PERB DECISIONS ISSUED  
July 1, 1986 through January 30 1990**

	<u>1986-87</u>	<u>1987-88</u>	<u>1988-89</u>	<u>89-90 (to 1/30/90)</u>
Number of PERB decisions*	45	54	62	36
Number of PERB decisions excluding reviews of administrative actions*	8	7	16	14

\*These numbers exclude reissued decisions or decisions modified after rehearings.

As Chart II illustrates, the number of decisions issued by the PERB has increased in recent years from 45 in 1986-87 to 62 in 1988-89, contributing to the recent reduction in the PERB's backlog.

The number of days it took the Board to issue its decisions (both PERB decisions and decisions excluding reviews of administrative actions), on the average, for the period from fiscal 1986-87 to date is reflected in Chart III.

**CHART III**

**AVERAGE NUMBER OF DAYS  
TO ISSUE PERB DECISIONS  
July 1, 1986 through February 14, 1990**

	<u>1986-87</u>	<u>1987-88</u>	<u>1988-89</u>	<u>1989-90 to 2/14/90</u>
Average Number of Days:				
To issue all decisions	252	302	265	239
To issue PERB decisions excluding reviews of administrative actions	285	324	319	315
To issue PERB decisions when specifically delayed cases are not counted*	208	272	232	228

\* Excludes cases delayed because of pending litigation or because Board member turnover required reassignment.

As chart III illustrates, three different figures are set out for each fiscal year. The first row shows the average time taken to issue all decisions. The second row of figures shows the average number of days the Board took to issue decisions excluding reviews of administrative actions. PERB staff has identified specific decisions the issuance of which were specifically delayed either because litigation was pending in State courts which would affect the Board's decisions or because Board member turnover required reassignment of the decisions. The average number of days the Board took to decide cases when these specifically delayed cases are removed is reflected in the third figure.

Despite the recent increase in the number of decisions issued in the last three and one-half years, California's PERB continues to suffer by comparison to the New York State PERB, which, on the average, takes less than one-fourth the time of the California PERB to issue its decisions. Chart IV shows the number of decisions the New York State PERB issued in improper practice cases and in respect to representation petitions during calendar years 1985 through 1987, and the median number of days it took to issue such decisions.

## CHART IV

### NUMBER OF NEW YORK STATE PERB DECISIONS AND MEDIAN NUMBER OF DAYS TO ISSUE DECISIONS 1985 through 1987

Calendar <u>Year</u>	<u>IMPROPER PRACTICE CASES</u>		<u>REPRESENTATION PETITIONS</u>	
	<u>Number of decisions</u>	<u>Median Number of days</u>	<u>Number of decisions</u>	<u>Median Number of days</u>
1987	49	51	12	48
1986	48	45	14	35
1985	60	36	13	26

Source: New York State PERB

As the chart illustrates, the median number of days it took the New York State PERB to issue decisions ranged from 36 to 51 for improper practice cases and 26-48 days for representation petitions. It should be noted that statistics which characterize the New York State PERB's operations are not absolute guideposts for California's PERB. New York's three-member PERB, for instance, rarely reviews records from administrative hearings which last more than one day, does not contend with striking parties and the issues they raise since strikes are illegal under New York statute, and neither seeks nor issues injunctive orders. Furthermore, the opinions that the New York State PERB issues are more often counted in paragraphs than in pages; dissents are rare (one to two per year); and all draft opinions are prepared by one Board counsel, who has been in that position almost from the Board's inception.

Despite a lack of total congruence between the Public Employment Relations Boards of California and New York, bases for comparison exist that support the continued criticism of the California Board. This criticism has existed at least since 1980, when the former California Chair<sup>3</sup> opposed the expansion of the Board from three members to five because he predicted the increase in delay and backlog.

Each California PERB member has two legal counsel to assist the member in the preparation and writing of decisions and dissents. The volume of cases under submission to the Board simply does not justify the time taken to issue opinions. The absence of any enforcement authority to compel the acceleration of the decision writing activity allows the members to procrastinate indefinitely, denying parties swift resolution of their disputes and prolonging the uncertainty caused by the absence of such decisions.

Even though decisions are assigned to three-member panels, any member may join any case in which he or she takes an interest and may hold up the issuance of decisions by reviewing draft majority opinions or by proposing dissenting opinions.

The confusion that results when members depart and their case loads must be reassigned; the delay inherent in educating new members to the point where they can meaningfully participate in deliberations; and the absence of any enforceable external standard all contribute to and account for a delay which has continuously plagued the PERB since its early years.

Recent years of PERB operations have been characterized by generalized dissatisfaction with the Board by unions who perceive the Board as biased in favor of management, by parties disgusted by long delays in the issuance of Board decisions, and by constituents who have sought alternative means of dispute resolution to avoid PERB involvement.

While the present Board has reduced its backlog and adopted production quotas, and is attempting to redefine the goals and objectives of the Board to emphasize improving the collective bargaining process, the amount of time it takes for the Board to issue decisions has not improved sufficiently.

**FINDING #2: PERB MEMBERS ARE NOT QUALIFIED BY EXPERTISE OR EXPERIENCE TO CARRY OUT THEIR ESSENTIALLY JUDICIAL FUNCTIONS**

Unlike the requirement of a set number of years of prior practice imposed on appointees to judicial positions, there are no explicit competence standards or experience tests which appointees to the quasi-judicial Board positions at PERB must pass. The Governor appointments are subject only to Senate confirmation. Whereas appointees to the National Labor Relations Board and the New York State PERB are virtually all labor law professionals. In California the five-member PERB, with responsibility for administering the EERA, the HEERA and the SEERA, is presently composed of the following:

Deborah M. Hesse, Chair, now in her second term, was first appointed in 1984. Ms. Hesse has a Bachelors degree in Social Work and a Masters in Public Administration from California State University at Sacramento. She was the Assistant Director of the Governor's Office of Employee Relations in 1976 and 1977 before moving to the Department of Consumer Affairs and Investigative Services. From 1979 to 1983, Ms. Hesse was an Affirmative Action Officer for the State Department of Justice and, in 1983, became the Deputy Director of the State Department of Personnel Administration, a position she held until her appointment to the PERB.

William A. Craib, appointed to the PERB in 1986, retired from the California Department of Transportation in 1981 after 23 years as an Engineer with the Department. From 1976 to 1979, Mr. Craib was the President of the California State Employees Association (CSEA), and from 1980 to 1983, served as President of the 500-member Assembly of Governmental Employees.

Willard A. Schenk, appointed to the PERB in 1987, received his Bachelor of Law and Juris Doctor from the University of California at Berkeley and served in the Department of Justice beginning in 1950, in positions including a Deputy Attorney General position, and Chief Assistant Attorney General in the Civil Division. He also was the Assistant Adjutant General of the California National Guard and the Adjutant General of the National Guard until 1987.

Richard L. Camilli, appointed to the PERB in 1988, had been the Assistant Commissioner for the Department of Corporations' Health Care Services Division from 1984 to 1988, and from 1983 to 1984 was the Undersecretary for the Health & Welfare Agency. Previously, Mr. Camilli was Associate Warden for Folsom State Prison (1982-1983), Deputy Director for the Department of Corporations (1980-1982), and a Manager for the State Personnel Board (1976 to 1980).

Alexander R. Cunningham, appointed to the Board in January 1990, replaced Stephen Porter, who resigned in November 1989 to accept appointment to the Municipal Court. Mr. Cunningham, from 1986 until his appointment, was Chief Deputy Director for the State Department

of Health and, since the earthquake in October 1989, served as Special Assistant to the Governor's Office on earthquake recovery issues. From 1983 to 1986, Mr. Cunningham was Chief Deputy Director for the State Department of Water Resources, and from 1978 to 1983, was the Director for the State Office of Emergency Services. He has a Bachelors Degree in Civil Engineering, which he earned at Villanova University in 1959.

The labor law which PERB members must analyze and apply include statutes with deliberately vague language designed to satisfy labor and management but which have been given very specific meaning through years of interpretation by administrative and judicial bodies. An absence of fundamental grounding in those defining precedents hinders inexperienced members from participating fully in relevant deliberations, promotes the accusation made by a former Board member<sup>4</sup> and others that the Board is constantly reinventing the wheel, and requires, at the least, a substantial period of learning before an inexperienced appointee can function efficiently.

A delay in the issuance of decisions, that results from a new member properly insisting on developing competence and confidence before participating in the issuance of decisions, is compounded when members resign or leave their positions and cases, for which they were responsible either as principal authors or as panel members, are reassigned. When former Board member Marty Morgenstern left the Board in January 1987, 19 cases to which he was assigned as a panel member had to be reassigned; in March 1987, when member Nancy Burt left the PERB 25 cases to which she was assigned as author or panel member had to be reassigned; when Betty Cordoba left the PERB in March 1988, 25 cases to which she was assigned as author or panel member had to be reassigned. With Steven Porter's departure in November 1989, 13 cases to which he was assigned will have to be reassigned, necessarily increasing the time required for the issuance of decisions in those cases.

The pace of decision output from New York's PERB results, in part, from the absence of significant Board member turnover. In its 22-year history, New York's PERB has had only two Chairs who serve full-time on the three-member Board, and only eight other part-time members, all who have been professional arbitrators or labor law professors. The part-time members receive per diem payments of \$250 for every day they attend meetings or work on decisions in their homes or offices, which according to the New York PERB Chair,<sup>5</sup> results in total annual payments of approximately \$20,000 to those members.

In its 14-year history, the California PERB has had 17 members and three Chairs, more than double the annual turnover experienced by New York's PERB.

The principle distinction between the New York and California Boards which accounts for the efficiency of New York's PERB is not ideological balance, but rather expertise and professionalism. Functionally, the PERB Board is not so much a political body as it is an appellate court explicating a technical body of law relying on accepted principles of labor law. New York's reliance on labor arbitrators to decide cases with the Board's Chair demonstrates its awareness of the need for technical expertise to function properly in the rarefied atmosphere of public sector labor law. That New York's PERB is non-partisan is demonstrated by its members' ability to survive the regular change of political parties in power in New York State. Furthermore, the longevity of the New York Board members and their counsel permits and promotes uniformity and continuity in their opinions and provides clear guidance to parties who, anticipating the Board's probable actions, often forgo appeal of adverse decisions to the Board and thereby reduce the number of cases ultimately to be considered by the members themselves.

Calls for a change in the method of appointment to California's PERB miss the mark. What is required are standards for appointment to the appellate body, just as such standards are applied by the California State Bar when it reviews proposed appointments to the judiciary. The first chairman of the EERB<sup>6</sup> predicted that if labor law expertise were a requirement for appointment to the Board there would be no want of excellent candidates. Characterizing membership on the PERB as a "crushing bore for the inexperienced neophyte and enormously exciting for anyone who had acquired, through experience, an addictive fascination for the sophisticated issues arising under those labor law management relations laws interpreted by PERB members," he predicted the Board could easily draw the kind of labor law specialists who would efficiently and expertly decide the Board's cases.

One union, the California Correctional Peace Officers Association, and the state employer have decided to submit their disputes to arbitration before an arbitrator from the American Arbitration Association, instead of to the PERB. Other unions are reportedly avoiding utilizing the PERB processes. When parties shun the PERB, the agency established to hear and resolve their disputes, the PERB simply isn't doing its job. When a Board delay in ruling on unfair practice charges, such as in relation to the Los Angeles Unified School District situation which ended in a strike in 1989, makes the PERB irrelevant to the parties, change is necessary.

**FINDING #3: THE STATE IS PROVIDING AN UNLIMITED SUBSIDY FOR SCHOOL DISTRICTS' COLLECTIVE BARGAINING EXPENSES AT A COST OF MORE THAN \$30 MILLION ANNUALLY**

Union representatives involved in last year's Los Angeles Unified School District strike accused the District of prolonged, unproductive bargaining negotiations which did not successfully bridge the gap between the parties. The District's negotiations' costs were paid from the State's general fund under a system that allows local governments, including school districts, to seek 100 percent state reimbursement of programs mandated by the State. Originating in Senate Bill 90, entitled The Property Relief Act of 1972, the Legislature resolved to reimburse local governments for the costs of new programs or increased levels of service mandated by state government. Proposition 4, which added Article XIII B to the California Constitution in 1979, required reimbursement to local government for the costs of new programs mandated by the Legislature or any state agency or for increased levels of service. Beginning January 1, 1985, the Commission on State Mandates, a quasi-judicial body, was created and assigned responsibility to hear and decide claims from local governments that they are entitled to reimbursement by the State for costs mandated by the State. In the fiscal years 1986-87, 1987-88, and 1988-89, \$12,133,000 was allocated for reimbursement for school district collective bargaining costs, and in 1988-89, over \$30,000,000 has been made available.

As Chart V illustrates, Los Angeles School District alone has received close to a million dollars each year for the last three fiscal years to cover collective bargaining expenses. Reimbursement requests for collective bargaining costs for selected districts for fiscal years 1985-86 to 1987-88 are set out in Chart V below.

## CHART V

### REIMBURSEMENT REQUESTS FROM SELECTED SCHOOL DISTRICTS FOR COLLECTIVE BARGAINING COSTS 1985-86 through 1987-88

	<u>1985-86</u>	<u>1986-87</u>	<u>1987-88</u>
<u>Large School Districts</u>			
Los Angeles	\$818,736	\$980,376	\$960,707
Sweetwater	230,187	176,616	125,673
Manhattan	181,156	385,576	48,041
 <u>Medium School Districts</u>			
Mountain View	\$ 21,397	\$ 5,450	\$ 53,341
Capistrano	46,232	66,907	103,520
Martinez	59,051	12,526	25,107
King City	2,739	13,329	34,450
 <u>Small School Districts</u>			
Milpitas	\$ 43,992	\$ 22,700	\$ 16,943
Mt. Pleasant	20,615	21,123	18,359
Butte	6,767	11,206	7,347

Source: State Controller's Office Form FAM-27

Since the funds are reimbursed without review of the policy behind the expenditure decisions, no cost/benefit analysis of the collective bargaining expenditures have been conducted. School employee union leaders and PERB staff see the generous financing of school district collective bargaining expenses by the state as a means of prolonging the collective bargaining process.

With the passage of Proposition 98, the reimbursement of costs for state mandated programs, including collective bargaining, reduces the total funds available for education so that there is a one-to-one correspondence between expenditures on collective bargaining and reduction in funds available for classroom instruction, teachers' salaries, or other education purposes, abolishing the luxury which school districts previously possessed of having the state underwrite their collective bargaining costs without affecting the funds available for education. However, since dollars spent on school districts' collective bargaining come out of total education appropriations at the state level, but each school district determines what it will spend on collective bargaining, there still is no incentive for the districts to scrutinize their spending with a cost/benefit analysis clearly in mind.

With school district collective bargaining expenses being reimbursed up to \$30,000,000 annually, serious efforts must be made to limit collective bargaining and legal fee expenses.

Presently, there is presently no information available to permit an evaluation of the effectiveness of collective bargaining dollars spent to aid in the decision as to whether or at what level to support collective bargaining. Deborah Hesse, PERB Chair, complained at the Little Hoover Commission's August 17, 1989 hearing, that the State Department of Finance could not even determine how much of the SB90 reimbursement funds went for collective bargaining as opposed to legal fees for litigation.

### **CONCLUSIONS AND RECOMMENDATIONS**

The Little Hoover Commission recognizes that the California Public Employment Relations Board is attempting to improve its performance. Since the scope of the report did not include a review of collective bargaining laws administered by the PERB itself, we are not suggesting any fundamental changes in those laws; rather, we suggest changes to enhance the effective implementation of California's public sector labor laws. The Little Hoover Commission believes the following recommendations will assist the state in this endeavor:

1. To accelerate the pace of issuance of decisions and to provide economy, the Governor and the Legislature should enact a measure to reduce the number of Board members from five to three which, if joined with the recommendation below relating to establishment of qualifications for appointment to the PERB, should allow the streamlining of the decision making process and the issuance of more timely decisions.

2. Given the workload of the Board, the assignment of two Board counsel to every Board member seems an unnecessary luxury which has not beneficially affected the pace of the production of decisions. To provide economy, the Governor and the Legislature should reduce the PERB's budget to limit the number of Board counsel to one per member while reducing the Board size to three. This modification should result in the annual savings of more than \$500,000 or almost 10 percent of the PERB budget.

3. To facilitate the monitoring of the Board's efficiency, effectiveness and productivity, the Governor and the Legislature should enact a measure to require the Board to report to the Legislature quarterly, in a clearly presented format, the following information:

- (a) the number of PERB decisions, decisions on administrative appeals, and actions on injunctive relief requests;
- (b) the median number of days it took to issue the above-identified decisions;
- (c) the median number of days to issue such decisions;
- (d) the number of appeals to the Board docketed; and
- (e) the number of appeals pending before the Board.

4. To identify the causes of the delay, the reasons for the delay in issuance of decisions should be reported for each case on the docket longer than the average number of days taken by the Board to issue its decisions in the previous quarter.

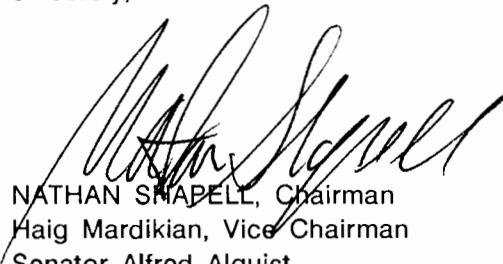
5. To increase the professionalism of the Board and the respect it commands from its constituencies, the Governor and the Legislature should enact a measure to ensure that members appointed to the Board have demonstrated competence in public sector labor law and that members serve longer terms.

6. To ensure maximum continuity and increased respect for the Board's expertise, the Governor and the Legislature should enact a measure to designate as PERB Chair the Board member with the greatest seniority on the PERB.

7. To allow the accurate assessment of the cost of school districts' collective bargaining, statistics should be collected and published by the State Controller's Office showing the amount spent, by school district, on collective bargaining in each fiscal year, thus enabling the state better to evaluate the effectiveness of these expenditures.

The Commission believes that the Governor and the Legislature should adopt the recommendations outlined in this report, thereby assuring the enhancement of California's public sector labor laws.

Sincerely,



NATHAN SHAPPELL, Chairman  
Haig Mardikian, Vice Chairman  
Senator Alfred Alquist  
Mary Anne Chalker  
Albert Gersten  
Senator Milton Marks  
Assemblywoman Gwen Moore  
George Paras  
Abraham Spiegel  
Barbara Stone  
Richard Terzian  
Assemblyman Phillip Wyman

## ATTACHMENT A

### LIST OF WITNESSES TESTIFYING AT THE COMMISSION'S AUGUST 1989 HEARING ON THE PERB

The Honorable Albert Rodda  
Former State Senator

Deborah Hesse, Chair  
Public Employment Relations Board

Kirsten Zerger, Former  
Legislative Counsel  
California Teachers Association

Garry G. Mathiason, Labor Attorney  
Littler, Mendelson, Fastiff & Tichy

David Tirapelle, Director  
Public Employment Relations Board

John Britz, Bargaining Specialist  
California Teachers Association

Gordon Krischer, Attorney  
O'Melveny & Myers

**ATTACHMENT B**

**DATA REGARDING DECISIONS SUBMITTED BY THE PERB**

2/14/90

CLOSED BOARD CASES -  
7/01/86 TO 6/30/87

CASE NUMBER	CASE NAME	FUT ON DOCKET	BOARD DECISION	DECISION #	NUMBER OF DAYS BETWEEN DOCKETING & ISSUING DECISION
LA-D -00176-E	FONTANA CLASS EMP ASSOC/NEA	12/27/85	7/31/86	AD 157E	216
SF-D -00129-E	ALUM ROCK UN SD	8/16/85	8/06/86	AD 158E	355
SF-D -00129-E	ALUM ROCK SD	9/22/86	12/30/86	AD 158EA	99
LA-D -00197-E	COAST CCD	7/17/86	10/15/86	AD 159E	90
S -CE-00273-S	PERSONNEL ADMINISTRATION	11/06/86	11/10/86	AD 160S	4
S -CE-00273-S	PERSONNEL ADMINISTRATION	11/13/86	1/12/87	AD 160SA	60
LA-CE-02169-E	RIM OF THE WORLD USD	12/04/85	12/31/86	AD 161E	392
LA-PN-00089-E	LOS ANGELES USD	9/02/86	2/05/87	AD 162E	156
LA-D -00200-E	SANTA MONICA-MALIBU USD	1/02/87	4/15/87	AD 163E	103
LA-D -00200-E	SANTA MONICA-MALIBU USD	6/01/87	6/23/87	AD 163EA	22
SF-UM-00385-E	PERALTA CCD	2/24/87	6/18/87	AD 164E	114
S -CO-00145-E	SACRAMENTO CITY USD	1/21/87	2/17/87	IR 049E	27
LA-CO-00396-E	COMPTON USD	2/18/87	3/17/87	IR 050E	27
S -CE-00238-S	X DEVELOPMENTAL SERVICES	1/23/86	3/03/87	PERB 551SA	404
S -CE-00286-E	X MODESTO C & HSD	6/02/86	2/13/87	PERB 566EA	256
LA-CO-00307-E	RIO HONDO CLG F A (FURRIEL)	9/12/85	7/30/86	PERB 583E	321
S -CE-00939-E	ANDERSON UN HSD	4/01/86	8/29/86	PERB 584E	150
S -CE-00275-S	PERSONNEL ADMINISTRATION	4/22/86	9/04/86	PERB 585S	135
SF-R -00668-H	UC	11/20/85	9/23/86	PERB 586H	307
LA-CE-02354-E	LOS ANGELES USD	7/31/86	9/25/86	PERB 587E	56
LA-CE-02307-E	LOS ANGELES USD	7/01/86	9/25/86	PERB 588E	86
LA-CE-02341-E	BURBANK USD	7/21/86	9/25/86	PERB 589E	66
SF-CO-00011-H	CSEA (DEES)	7/14/86	9/25/86	PERB 590H	73
LA-CO-00006-H	IUOE LOC 501 (REICH)	5/01/86	10/03/86	PERB 591H	155
LA-CE-02188-E	RIVERSIDE USD	7/24/86	10/10/86	PERB 592E	78
LA-CE-02089-E	INGLEWOOD USD	12/23/85	10/15/86	PERB 593E	296
SF-CE-01094-E	PLEASANTON JT SD	6/17/86	10/30/86	PERB 594E	135
LA-CE-01602-E	X PLACENTIA USD	9/06/83	11/04/86	PERB 595E	1154
SF-CO-00014-H	CSEA (O'CONNELL)	6/17/86	12/16/86	PERB 596H	182
S -CE-00943-E	CLOVIS USD	1/23/86	12/19/86	PERB 597E	330
LA-CO-00338-E	A T METRO RIVERSIDE (PETRICH)	9/09/86	12/22/86	PERB 598E	104
LA-CE-02375-E	LOS ANGELES USD	9/15/86	12/23/86	PERB 599E	99
S -CE-00291-S	PERSONNEL ADMINISTRATION	10/17/86	12/24/86	PERB 600S	68
S -CE-00261-S	DFA/IDS/IMH	12/01/86	12/30/86	PERB 601S	29
LA-CE-01643-E	RANCHO SANTIAGO CCD	3/12/84	12/30/86	PERB 602E	1023
LA-CE-02076-E	LAKE ELSINORE SD	3/25/86	12/30/86	PERB 603E	280
LA-CO-00020-S	CSEA (FRY)	1/21/86	12/30/86	PERB 604S	343
LA-CE-00141-H	CSU (FULLERTON)	6/04/86	12/31/86	PERB 605H	210
LA-CE-00141-H	CSU (FULLERTON)	2/17/87	4/30/87	PERB 605HA	72
LA-CE-02028-E	LAKE ELSINORE SD	6/11/85	12/31/86	PERB 606E	568
SF-CE-00192-H	X CSU, HAYWARD (DEES)	10/15/84	1/02/87	PERB 607H	809
LA-CE-01329-E	X LONG BEACH USD	9/19/84	1/07/87	PERB 608E	840
S -CO-00062-S	PERSONNEL ADMINISTRATION	7/31/86	1/09/87	PERB 609S	162
LA-CE-02101-E	SAN DIEGO USD	1/29/86	1/15/87	PERB 610E	351
LA-CE-01736-E	LOS ANGELES USD	8/14/86	1/28/87	PERB 611E	167
S -CO-00059-S	AFSCME (CUFF)	5/30/86	2/06/87	PERB 612S	252
LA-CE-00150-H	CSU (CFA)	9/04/86	2/09/87	PERB 613H	158
S -CO-00054-S	CSEA (MORROW)	12/16/86	2/20/87	PERB 614S	66
SF-CE-00121-H	UC (YEARY)	3/29/85	3/03/87	PERB 615H	704

2/14/90

CLOSED BOARD CASES -  
7/01/86 TO 6/30/87

CASE NUMBER	CASE NAME	PUT ON DOCKET	BOARD DECISION	DECISION #	NUMBER OF DAYS BETWEEN DOCKETING & ISSUING DECISION
LA-CO-00365-E	UTLA (BRACEY)	11/12/86	3/27/87	PERB 616E	135
LA-CE-02386-E	LOS ANGELES CCD	1/21/87	3/27/87	PERB 617E	85
LA-CE-02402-E	LOS ANGELES CCD	1/21/87	3/31/87	PERB 618E	69
S -CE-00238-S	DEVELOPMENTAL SERVICES	7/22/86	4/17/87	PERB 619S	269
S -CE-01026-E	OAKDALE JT UN HSD	4/28/87	5/20/87	PERB 620E	22
LA-CO-00007-H	CFA (CSU)	10/21/86	5/29/87	PERB 621HV	220
LA-CE-02112-E	X RIVERSIDE USD	3/25/86	6/11/87	PERB 622E	443
LA-CE-02463-E	LOS ANGELES CCD	5/04/87	6/17/87	PERB 623E	44
LA-CE-01938-E	INGLEWOOD USD	1/16/86	6/23/87	PERB 624E	523
LA-CE-02040-E	X FOUNTAIN VALLEY ESD	5/06/85	6/23/87	PERB 625E	778
LA-CO-00377-E	TUSTIN USD	3/05/87	6/23/87	PERB 626E	110
LA-CO-00379-E	LA USD PEACE OFF ASSN (BROWN)	4/20/87	6/23/87	PERB 627E	64
S -CE-00759-E	X WOODLAND JT USD	6/10/85	6/30/87	PERB 628E	750

X = Case delay due to Board Member turnover.

2/14/90

CLOSED BOARD CASES -  
7/01/87 TO 6/30/88

CASE NUMBER	CASE NAME	PUT ON DOCKET	BOARD DECISION	DECISION †	NUMBER OF DAYS BETWEEN DOCKETING & ISSUING DECISION
LA-D -00176-E	FONTANA USD	10/01/87	11/06/87	AD 157EA	36
LA-CE-00163-H	UC (DANDIASAN)	7/10/87	7/14/87	AD 165H	4
LA-CE-02399-E	RIVERSIDE USD	4/15/87	9/16/87	AD 166E	154
LA-FS-00003-E	LOCAL 99, SEIU (KIMMETT)	9/21/87	12/18/87	AD 167E	88
LA-CO-00023-S	CCFOA (FORD)	5/28/87	4/21/88	AD 168S	328
LA-D -00176-E	FONTANA USD	12/14/87	6/20/88	AD 169E	188
LA-D -00213-E	ALHAMBRA C & HSD	8/04/87	6/20/88	AD 170E	320
SF-D -00169-E	OAKLAND USD	6/08/88	6/29/88	AD 171E	21
LA-CE-02359-E	*RIVERSIDE USD	6/08/87	9/23/87	IR 51E	107
LA-R -00835-E	LOS ANGELES USD	10/01/87	12/30/87	PERB 424EA	90
LA-CO-00007-H	CFA (CSU)	8/28/87	9/24/87	PERB 621HA	27
LA-CE-02112-E	RIVERSIDE USD	7/24/87	8/31/87	PERB 622EA	38
LA-CO-00377-E	TUSTIN USD	8/03/87	10/29/87	PERB 626EA	87
SF-CE-01052-E	TRINIDAD/PENINSULA	1/26/87	7/08/87	PERB 629E	163
LA-CE-02168-E	XKERN COUNTY OFFICE OF EDU	2/03/86	7/14/87	PERB 630E	526
LA-CE-01986-E	SAN DIEGO USD	12/12/86	8/18/87	PERB 631E	249
LA-CE-02399-E	RIVERSIDE USD	6/08/87	8/26/87	PERB 632E	79
LA-CE-00153-H	CSU (CFA)	2/19/87	9/24/87	PERB 633H	217
LA-CE-00156-H	CSU (CFA)	5/20/87	9/24/87	PERB 634H	127
LA-CE-00149-H	CSU (CFA)	8/28/87	9/24/87	PERB 635H	27
S -CE-00306-S	CA COMMUNITY COLLEGES	6/08/87	10/06/87	PERB 636S	120
LA-CO-00027-S	ASSN CA ST ATTYS (MAYER)	6/22/87	10/06/87	PERB 637S	106
S -CE-01052-E	LOS RIOS CCD	3/18/87	11/03/87	PERB 638E	230
LA-CE-02359-E	RIVERSIDE USD	7/08/87	11/23/87	PERB 639E	138
SF-CE-00200-H	UC (UNIV COUNCIL, AFT)	3/23/87	12/10/87	PERB 640H	262
LA-CE-00130-H	CSU (LONG BEACH)	1/23/87	12/11/87	PERB 641H	322
LA-CE-02248-E	PALO VERDE USD	7/20/87	12/15/87	PERB 642E	148
S -CO-00021-S	*XCAUSE (ECKSTEIN)	5/07/84	12/18/87	PERB 643S	225
S -CO-00047-S	*FORAC & CAFIO (ECKSTEIN)	6/24/85	12/18/87	PERB 644S	907
LA-CO-00392-E	LA SCH EMP UN LOC 99 (MORGAN)	4/06/87	12/18/87	PERB 645E	256
LA-CE-01827-E	XLAKE ELSINORE SD	9/11/85	12/18/87	PERB 646E	828
LA-UM-00408-E	IMPERIAL USD	8/24/87	12/18/87	PERB 647E	116
S -CE-00125-S	*PERSONNEL ADMINISTRATION	6/27/84	12/18/87	PERB 648S	1269
LA-CE-02393-E	*COMPTON CCD	12/30/86	12/21/87	PERB 649E	356
SF-CE-00979-E	REDWOODS CCD	8/25/86	12/28/87	PERB 650E	490
SF-CE-00779-E	FREMONT UN HSD	6/10/85	12/30/87	PERB 651E	933
SF-CO-00313-E	*CTA (CLEGG)	4/28/87	12/30/87	PERB 652E	246
SF-CO-00314-E	*NAT'L ED ASSN (CLEGG)	4/28/87	12/30/87	PERB 653E	246
S -CE-00029-H	UC (DAVIS)	4/15/87	12/31/87	PERB 654H	260
LA-CO-00400-E	*CTA (HENKEL, ET AL)	4/17/87	12/31/87	PERB 655E	258
LA-CO-00402-E	*NAT'L ED ASSN (HENKEL, ET AL)	4/17/87	12/31/87	PERB 656E	258
LA-CO-00017-S	CCFOA (FACILLAS)	12/10/85	12/31/87	PERB 657S	751
SF-CO-00310-E	BERKELEY FED TEACHERS (MOORE)	11/09/87	2/22/88	PERB 658E	105
LA-CE-02243-E	LOS ANGELES USD	3/31/87	3/16/88	PERB 659E	350
LA-CO-00413-E	C SCH EA (MRVICHIN)	1/07/88	4/01/88	PERB 660E	84
LA-CO-00416-E	C SCH EA (MRVICHIN)	1/07/88	4/01/88	PERB 661E	84
LA-CE-01905-E	SAN DIEGO CCD	6/27/86	4/05/88	PERB 662E	647
S -CO-00042-S	UAPD (STEWART)	7/28/86	4/13/88	PERB 663S	624
LA-CO-00369-E	OXNARD ED A (GORCEY & TRIPP)	9/15/86	5/05/88	PERB 664E	597

2/14/90

CLOSED BOARD CASES -  
7/01/87 TO 6/30/88

CASE NUMBER	CASE NAME	PUT ON DOCKET	BOARD DECISION	DECISION #	NUMBER OF DAYS BETWEEN DOCKETING & ISSUING DECISION
SF-CO-00305-E	* CTA (ABBOT)	4/28/87	5/20/88	PERB 665E	387
LA-CE-01964-E	LAKE ELSINORE SD	10/21/85	5/23/88	PERB 666E	944
LA-CE-02389-E	X OXNARD SD	9/08/86	5/26/88	PERB 667E	625
S -CE-01006-E	TAHOE-TRUCKEE USD	4/06/87	5/27/88	PERB 668E	416
LA-CE-02363-E	* CHAFFEY JT UN HSD	7/28/86	5/31/88	PERB 669E	672
S -CE-01053-E	LOS RIOS CCD	9/04/87	6/02/88	PERB 670E	271
LA-CE-02527-E	SAVANNA SD	12/11/87	6/07/88	PERB 671E	178
LA-CE-02528-E	HUNTINGTON BEACH CSD	12/11/87	6/07/88	PERB 672E	178
LA-CE-02529-E	OCEAN VIEW SD	12/11/87	6/07/88	PERB 673E	178
LA-CE-02307-E	LOS ANGELES USD	6/18/87	6/08/88	PERB 674E	355
LA-CE-02512-E	ANAHEIM CSD	12/11/87	6/09/88	PERB 675E	180
LA-CE-02517-E	MAGNOLIA EL SD	12/28/87	6/09/88	PERB 676E	163
LA-CE-02532-E	WESTMINSTER SD	12/11/87	6/09/88	PERB 677E	180
LA-CE-02511-E	SADDLEBACK CCD	12/07/87	6/10/88	PERB 678E	185
S -CE-01179-E	SAN JUAN USD	6/01/88	6/10/88	PERB 679E	9
LA-CE-02331-E	POWAY USD	7/28/87	6/15/88	PERB 680E	322
LA-CO-00369-E	* OXNARD ED ASSC (GORCEY/TRIPP)	8/21/87	6/20/88	PERB 681E	303
LA-CO-00010-H	AFSCME, COUNCIL 10 (OLSON)	5/09/88	6/20/88	PERB 682H	42
SF-CO-00012-S	AFSCME 2620 (MOORE)	5/18/88	6/20/88	PERB 683S	33
S -CE-00982-E	LOS RIOS CCD	11/07/86	6/23/88	PERB 684E	593
LA-CE-02267-E	HACIENDA LA FUENTE USD	2/24/87	6/24/88	PERB 685E	485
LA-CE-02634-E	LOS ANGELES USD	12/29/87	6/24/88	PERB 686E	177
S -CE-00879-E	COTTONWOOD UN SD	6/13/86	6/27/88	PERB 687E	744
SF-CE-01114-E	SAN FRANCISCO CCD	6/01/87	6/27/88	PERB 688E	391
LA-CE-02313-E	X PALO VERDE USD	3/12/87	6/30/88	PERB 689E	475
SF-CE-00077-S	X FORESTRY	9/23/87	6/30/88	PERB 690S	280
LA-C -00077-E	MT SAN ANTONIO CCD	2/02/88	6/30/88	PERB 691E	148

\* = Case delays due to party-initiated delay or held in abeyance pending litigation.

X = Case delays due to Board Member turnover.

2/15/90

CLOSED BOARD CASES -  
7/01/88 TO 6/30/89

CASE NUMBER	CASE NAME	PUT ON DOCKET	BOARD DECISION	DECISION #	NUMBER OF DAYS BETWEEN DOCKETING & ISSUING DECISION
SF-D -00169-E	* OAKLAND USD	7/25/88	10/13/88	AD 171EA	80
SF-D -00169-E	OAKLAND USD	6/08/88	7/14/88	AD 172E	36
LA-D -00219-E	POWAY USD	5/31/88	7/18/88	AD 173E	48
LA-C -00135-H	CSU (SUPA)	3/14/88	8/24/88	AD 174H	163
S -D -00110-E	SHASTA UN HSD	5/31/88	11/30/88	AD 175E	183
LA-M -01890-H	CSU (CFA)	7/14/88	12/16/88	AD 177H	155
LA-M -01890-H	CSU (CFA)	1/16/89	2/15/89	AD 177HA	30
S -UM-00403-S	PERSONNEL ADMINISTRATION	6/28/88	12/20/88	AD 178S	175
LA-D -00231-E	* PASADENA AREA CCD	6/06/88	12/29/88	AD 179E	206
LA-D -00234-E	PASADENA USD	10/10/88	2/17/89	AD 180E	130
S -S -00124-S	PERSONNEL ADMINISTRATION	4/24/89	5/12/89	AD 181S	18
S -CE-01112-E	GRIDLEY UN HSD	10/03/88	5/16/89	AD 182E	225
S -D -00120-S	PERSONNEL ADMINISTRATION	4/20/89	5/23/89	AD 183S	33
SF-CE-01162-E	EUREKA CS	2/01/88	5/25/89	AD 184E	478
LA-CE-02795-E	IMPERIAL USD	5/15/89	6/08/89	AD 185E	24
LA-CE-02792-E	CALIFORNIA USD	6/08/89	6/09/89	AD 186E	1
S -D -00118-E	* JAMESTOWN USD	1/30/89	6/21/89	AD 187E	142
LA-CE-02771-E	CORONADO USD	5/04/89	6/27/89	AD 188E	54
LA-CE-00255-H	CSU (WANG)	5/12/89	5/18/89	DENIED REQ	6
S -CE-00414-S	OFFICE OF STATE PRINTING	11/08/88	11/09/88	DENIED REQ	1
LA-CO-00462-E	LOS ANGELES USD	11/15/88	11/16/88	DENIED REQ	1
LA-CE-02869-E	ABC USD	6/08/89	6/13/89	DENIED REQ	5
SF-CO-00360-E	SAN JOSE USD	6/14/89	6/15/89	DENIED REQ	1
S -CE-00125-S	PERSONNEL ADMINISTRATION	9/08/88	12/20/88	PERB 648SA	103
LA-CE-01905-E	SAN DIEGO CCD	6/06/88	11/28/88	PERB 662EA	175
LA-CO-00369-E	OXNARD ED A (GORCEY & TRIPP)	6/15/88	8/26/88	PERB 664EA	72
SF-CE-01114-E	SAN FRANCISCO CCD	7/26/88	10/18/88	PERB 688EA	84
LA-CO-00011-H	* CFA (WANG)	8/29/88	12/29/88	PERB 692AH	122
LA-CO-00011-H	* CFA (WANG)	3/15/88	7/26/88	PERB 692H	133
LA-CO-00016-H	CA FACULTY ASSN (HALE, ET AL)	3/07/88	7/26/88	PERB 693H	141
LA-CE-00220-H	UC (WATERS)	3/11/88	7/26/88	PERB 694H	137
SF-CO-00339-E	AMER FED TCHRS LOCAL 2121	4/21/88	7/28/88	PERB 695E	98
LA-CE-01968-E	XLAKE ELSINORE SD	7/31/86	9/07/88	PERB 696E	768
LA-CO-00013-H	AFSCME (WATERS)	5/31/88	9/26/88	PERB 697H	118
LA-CO-00017-H	CFA (FOMERANTSEV)	7/11/88	9/26/88	PERB 698H	77
LA-CE-00223-H	UC (RIDLEY)	5/23/88	9/27/88	PERB 699H	127
LA-CE-00227-H	UC (RIDLEY)	6/15/88	9/27/88	PERB 700H	104
SF-CE-01230-E	CAMPBELL UN HSD	7/11/88	10/12/88	PERB 701E	93
SF-CE-01104-E	* EUREKA CITY SD	7/22/87	10/19/88	PERB 702E	454
SF-CE-01146-E	SAN FRANCISCO CCD	5/26/87	10/28/88	PERB 703E	520
SF-CE-01146-E	SAN FRANCISCO CCD	12/12/88	2/16/89	PERB 703EA	66
LA-CE-02630-E	COMPTON CCD	4/04/88	11/22/88	PERB 704E	232
LA-FN-00091-E	LOS ANGELES USD	2/29/88	12/16/88	PERB 705E	291
LA-FN-00091-E	LOS ANGELES USD	1/31/89	6/19/89	PERB 705EA	139
S -CE-00371-S	PERSONNEL ADMINISTRATION	5/09/88	12/16/88	PERB 706S	221
LA-CE-00231-H	UC (RIDLEY)	11/04/88	12/21/88	PERB 707H	47
LA-CE-02224-E	FLEASANT VALLEY SD	1/12/87	12/21/88	PERB 708E	708
LA-CO-00015-H	CFA (HOLLIS, ET AL)	11/09/88	12/21/88	PERB 709H	42
LA-CE-00222-H	CSU (HOLLIS, ET AL)	11/01/88	12/21/88	PERB 710H	50

2/15/90

CLOSED BOARD CASES -  
7/01/88 TO 6/30/89

CASE NUMBER	CASE NAME	FUT ON DOCKET	BOARD DECISION	DECISION #	NUMBER OF DAYS BETWEEN DOCKETING & ISSUING DECISION
LA-CO-00452-E	SAN MARCOS EA (DURAN-CHUGON)	9/20/88	12/21/88	PERB 711E	92
S -CO-00180-E	LOS RIOS CFT LOC 2279 (BARTH)	9/28/88	12/29/88	PERB 712E	92
LA-FN-00097-E	UT OF LA (WATTS)	8/29/88	12/29/88	PERB 713E	123
LA-CE-02471-E	*BONITA USD	6/08/87	12/29/88	PERB 714E	569
LA-CE-02349-E	LAKE ELSINORE SD	4/03/87	12/29/88	PERB 715E	635
LA-CE-00216-H	*UC (WATERS)	11/05/88	12/30/88	PERB 716H	55
SF-CE-01242-E	KLAMATH-TRINITY JT USD	7/05/88	12/30/88	PERB 717E	178
LA-CE-00115-H	CSU (SAN DIEGO)	5/05/86	1/17/89	PERB 718H	987
LA-CE-00213-H	CSU (UNITED PROF OF CA)	5/09/88	1/19/89	PERB 719H	255
LA-CE-01865-E	COMPTON CCI	8/05/85	3/01/89	PERB 720E	1303
LA-CE-01865-E	COMPTON CCI	3/27/89	6/19/89	PERB 720EA	84
LA-CE-01151-E	*X LONG BEACH USD	1/03/84	3/03/89	PERB 721E	1884
LA-CE-01151-E	LONG BEACH USD	4/17/89	6/06/89	PERB 721EA	50
SF-CE-00247-H	UC (CA NURSES ASSN)	3/02/88	3/03/89	PERB 722H	366
LA-CE-02051-E	*X SAN BERNARDINO CITY USD	5/03/85	3/08/89	PERB 723E	1404
LA-CE-02661-E	ANTELOPE VALLEY UN HSD	11/14/88	3/14/89	PERB 724E	120
SF-CE-00044-H	UC (UC, AFT, LOC 2034, ET AL	10/11/88	3/21/89	PERB 725H	161
SF-CO-00014-H	X CSEA (O'CONNELL)	11/20/87	3/21/89	PERB 726H	486
S -UM-00238-S	X PERSONNEL ADMINISTRATION	8/03/87	4/03/89	PERB 727S	608
LA-CE-02276-E	COMPTON CCI	9/08/88	4/04/89	PERB 728E	208
SF-CE-00271-H	CSU, CHICO	9/06/88	4/14/89	PERB 729H	220
SF-CE-00179-H	UC (ASSN GRAD STUDENT EMP'S)	5/06/88	4/26/89	PERB 730H	355
LA-FN-00099-E	LOS ANGELES CCI	12/19/88	5/03/89	PERB 731E	135
S -CE-00372-S	CORRECTIONS	12/01/88	5/03/89	PERB 732S	153
S -CO-00085-S	CSEA (PARISI)	3/06/89	5/03/89	PERB 733S	58
S -CE-00392-S	FORESTRY	1/03/89	5/03/89	PERB 734S	120
LA-CE-00240-H	UC (NAPIER'S EMP SEC AGENCY)	12/01/88	5/04/89	PERB 735H	154
SF-R -00689-E	X UPPER LAKE UN SD	10/17/88	5/04/89	PERB 736E	199
LA-CE-02814-E	LOS ANGELES USD	2/27/89	5/24/89	PERB 737E	86
LA-CO-00439-E	UT-LA (ABBOUD, ET AL)	1/30/89	6/08/89	PERB 738E	129
S -CE-00410-S	PERSONNEL ADMINISTRATION	3/08/89	6/08/89	PERB 739S	91
LA-FN-00105-E	AFT, LOCAL 1521 (WATTS)	1/17/89	6/14/89	PERB 740E	148
LA-CE-02542-E	*HACIENDA LA PUENTE USD	11/01/88	6/16/89	PERB 741E	227
SF-CE-01274-E	LOS GATOS-SARATOGA JT UN HSD	2/27/89	6/19/89	PERB 742E	112
S -CE-01111-E	BUTTE CCI	9/12/88	6/19/89	PERB 743E	280
SF-CE-01119-E	X CALISTOGA JT USD	10/27/87	6/19/89	PERB 744E	600
LA-CO-00031-S	CAFT (LONG)	8/30/88	6/20/89	PERB 745S	294
SF-CO-00016-H	CFA (MIRHADY)	12/09/87	6/26/89	PERB 746H	564
SF-CE-00934-E	*X ALAMEDA CO SUPT OF SCHOOLS	8/23/85	6/27/89	PERB 747E	1403
LA-CE-02386-E	LOS ANGELES CCI	3/27/89	6/28/89	PERB 748E	93
S -CE-00363-S	YOUTH AUTHORITY	11/10/88	6/28/89	PERB 749S	230
LA-CE-02609-E	RIVERSIDE USD	9/08/88	6/29/89	PERB 750E	294
SF-CE-01157-E	SAN RAMON VALLEY USD	4/28/87	6/29/89	PERB 751E	792
S -UM-00389-E	SANGER USD	5/16/88	6/30/89	PERB 752E	410
SF-CO-00012-H	*CSEA (O'CONNELL)	5/01/87	6/30/89	PERB 753H	790

\* = Case delays due to party-initiated delay or held  
in abeyance pending litigation.

X = Case delays due to Board Member turnover.

2/14/90

CLOSED BOARD CASES -  
7/01/89 TO 2/14/90

CASE NUMBER	CASE NAME	PUT ON DOCKET	BOARD DECISION	DECISION †	NUMBER OF DAYS BETWEEN DOCKETING & ISSUING DECISION
S -D -00118-E	JAMESTOWN USD	8/07/89	9/05/89	AD 187EA	29
LA-CE-02795-E	IMPERIAL USD	5/15/89	7/12/89	AD 189E	58
LA-CE-02789-E	TEMPLE CITY USD	6/19/89	7/12/89	AD 190E	23
S -S -00124-S	PERSONNEL ADMINISTRATION	1/09/89	8/24/89	AD 191S	227
S -S -00124-S	PERSONNEL ADMINISTRATION	10/10/89	11/21/89	AD 191SA	42
S -S -00124-S	PERSONNEL ADMINISTRATION	9/27/89	11/21/89	AD 191SB	55
S -CE-00032-H	CSU (SUFA)	7/27/89	9/11/89	AD 192H	46
LA-CE-02792-E	CALIPATRIA USD	6/19/89	9/15/89	AD 193E	88
S -CE-00425-S	PERSONNEL ADMINISTRATION	9/05/89	9/21/89	AD 194S	16
S -CE-00427-S	GENERAL SERVICES	9/05/89	9/21/89	AD 195S	16
LA-CE-00210-H	UC (DAVIS, ET AL)	10/13/89	10/26/89	AD 197H	13
S -R -00836-E	BUTTE CCD	12/05/88	11/01/89	AD 198E	331
SF-UM-00440-E	RICHMOND USD	9/18/89	11/06/89	AD 199E	49
SF-CE-01247-E	SAN FRANCISCO USD	6/12/89	12/06/89	AD 200E	177
SF-D -00173-E	KELSEYVILLE USD	8/01/89	12/29/89	AD 201E	150
LA-CE-00210-H	UC (DAVIS, ET AL)	11/09/89	12/29/89	AD 202H	50
S -R -00836-E	*BUTTE CCD	6/13/89	9/27/89	AD-196E	106
SF-CD-00367-E	SAN JOSE USD	9/01/89	9/05/89	DENIED REQ	4
LA-CE-02920-E	CHARTER OAK USD	2/01/90	2/01/90	DENIED REQ	0
LA-CD-00500-E	SANTA MARIA JT UN HSD	10/30/89	11/02/89	IR 053E	3
SF-CE-01114-E	SAN FRANCISCO CCD	11/21/89	12/20/89	PERB 688EB	29
SF-CE-01146-E	SAN FRANCISCO CCD	10/11/89	11/28/89	PERB 703EB	48
SF-CE-01146-E	SAN FRANCISCO CCD	1/05/90	1/22/90	PERB 703EC	17
SF-CE-00271-H	CSU, CHICO	5/30/89	8/21/89	PERB 729HA	83
S -CE-00392-S	FORESTRY & FIRE PROTECTION	6/20/89	8/24/89	PERB 734SA	65
LA-CE-02417-E	CALEXICO USD	3/01/88	7/17/89	PERB 754E	503
S -CO-00069-S	CCFOA (COLMAN)	2/24/88	7/25/89	PERB 755S	516
S -CE-00036-H	CALIFORNIA STATE UNIVERSITY	5/19/89	8/31/89	PERB 756H	104
LA-CE-02625-E	VENTURA USD	7/25/89	9/01/89	PERB 757E	38
LA-CD-00339-E	C SCH EA (PETRICH)	8/24/87	9/11/89	PERB 758E	748
S -CO-00197-E	EL DORADO CO OFF OF EDU	6/07/89	9/13/89	PERB 759E	98
S -CO-00092-S	PECG (LOPEZ)	5/30/89	9/13/89	PERB 760S	106
LA-CE-02833-E	LOS ANGELES CCD	7/03/89	9/13/89	PERB 761E	72
SF-CE-00090-S	HEALTH SERVICES	7/14/89	9/13/89	PERB 762S	61
LA-CE-00243-H	UC (AFSCME COUNCIL 10)	7/24/89	9/14/89	PERB 763H	52
SF-CE-01190-E	CUPERTINO USD	1/11/89	9/14/89	PERB 764E	246
LA-R -00916-E	LONG BEACH CCD	8/28/87	9/14/89	PERB 765E	747
LA-CE-02620-E	CAJON VALLEY UN SD	2/01/89	9/15/89	PERB 766E	226
LA-CD-00339-E	C SCH EA (PETRICH)	10/27/86	9/18/89	PERB 767E	1056
LA-CE-02683-E	ALLAN HANCOCK CCD	5/31/88	9/20/89	PERB 768E	477
S -CE-00425-S	PERSONNEL ADMINISTRATION	9/05/89	9/27/89	PERB 769S	22
S -CE-00427-S	GENERAL SERVICES	9/05/89	9/27/89	PERB 770S	22
LA-CE-00180-H	UC (UC, AFT)	6/13/88	9/28/89	PERB 771H	472
SF-CE-00085-S	X PERSONNEL ADMINISTRATION	9/12/88	9/29/89	PERB 772S	382
S -S -00115-S	PERSONNEL ADMINISTRATION	6/23/88	9/29/89	PERB 773S	463
LA-UM-00433-E	REDLANDS USD	11/14/88	9/29/89	PERB 774E	319
SF-CE-01214-E	SAN FRANCISCO CCD	5/11/89	10/03/89	PERB 775E	145
S -UM-00301-S	* PERSONNEL ADMINISTRATION	7/25/86	10/06/89	PERB 776S	1168
LA-CE-00209-H	X CSU (CSEA, SEIU LOCAL 1000)	6/13/88	11/21/89	PERB 777H	526

2/14/90

CLOSED BOARD CASES -  
7/01/89 TO 2/14/90

CASE NUMBER	CASE NAME	PUT ON DOCKET	BOARD DECISION	DECISION #	NUMBER OF DAYS BETWEEN DOCKETING & ISSUING DECISION
LA-CE-01590-E	*CARLSBAD USD	7/23/87	11/21/89	PERB 778	851
S -CE-01277-E	FRESNO USD	9/11/89	11/27/89	PERB 779E	77
S -CE-01246-E	SYLVAN UN ESD	6/08/89	12/05/89	PERB 780E	180
LA-CE-00246-H	UC, SAN DIEGO	6/12/89	12/15/89	PERB 781H	186
LA-CE-02628-E	TEMPLE CITY USD	12/30/88	12/22/89	PERB 782E	357
SF-CE-00284-H	UC	7/31/89	12/29/89	PERB 783H	151
LA-CE-02817-E	COMPTON USD	10/17/89	12/29/89	PERB 784E	73
LA-CE-02720-E	LOS ANGELES USD	10/04/89	12/29/89	PERB 785E	86
LA-CE-02189-E	XMC FARLAND USD	2/28/86	1/03/90	PERB 786E	1404
S -UM-00366-S	PERSONNEL ADMINISTRATION	12/07/88	1/11/90	PERB 787S	35
S -CE-01252-E	EL DORADO CO OFFICE OF EDU	9/19/89	1/17/90	PERB 788E	120
LA-CE-02725-E	BEVERLY HILLS USD	5/25/89	1/19/90	PERB 789E	239
LA-CE-02393-E	XCOMPTON CCD	12/24/87	2/06/90	PERB 790E	774
LA-CE-02750-E	SOUTH BAY UN SD	6/23/89	2/08/90	PERB 791E	230

\* = Case delays due to party-initiated delays or held in abeyance pending litigation.

X = Case delays due to Board Member turnover.

## ENDNOTES

1. Deborah M. Hesse, now in her second term, was first appointed chairperson of the Public Employment Relations Board in 1984.
2. "California's PERB: When more is less," California Public Employee Relations No. 76 (March 1988); and  
  
"Letters: Controversy Continues over PERB Workload Issue," California Public Employee Relations No. 77 (June 1988).
3. Reginald Allyne, currently a professor of law at the University of California, Los Angeles. He was appointed as first Chairman of the California Educational Employment Relations Board in January 1976 and served until his resignation in December 1977. "The Coming Counter Productive Enlargement of California's Public Employment Relations Board," PERB (August 1980).
4. Interview with Commission Consultant
5. Letter from Harold Newman to Nathan Shapell dated February 7, 1990.
6. Reginald Allyne

