

STATE OF CALIFORNIA
PUBLIC EMPLOYMENT RELATIONS BOARD



CALIFORNIA STATEWIDE LAW
ENFORCEMENT ASSOCIATION,

Charging Party,

v.

STATE OF CALIFORNIA (DEPARTMENT OF
TOXIC SUBSTANCES CONTROL),

Respondent.

Case No. SA-CE-2132-S

COMPLAINT

It having been charged by Charging Party that Respondent engaged in unfair practices in violation of California Government Code section 3519, the General Counsel of the Public Employment Relations Board (PERB), pursuant to California Government Code sections 3513(h), 3514.5 and 3541.3(i) and California Code of Regulations, title 8, section 32640, issues this COMPLAINT on behalf of PERB and ALLEGES:

1. Respondent is the State employer within the meaning of Government Code section 3513(j).
2. Charging Party is a recognized employee organization, within the meaning of Government Code section 3513(b), of Respondent's Bargaining Unit 7 – Protective Services & Safety.
3. Before February 27, 2018, Respondent's policy was to recognize that a vacant Investigator position at the Respondent's Office of Criminal Investigations, is a member of Bargaining Unit 7.
4. On February 27, 2018, Respondent changed this policy by reclassifying the Investigator position to a non-Unit 7 position, titled Government Program Analyst.

5. Respondent engaged in the conduct described in paragraph 4 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.

6. By the acts and conduct described in paragraphs 4 and 5, Respondent failed and refused to meet and confer in good faith in violation of Government Code section 3519(c).


7. This conduct also interfered with the rights of bargaining unit employees to be represented by Charging Party in violation of Government Code section 3519(a).

8. This conduct also denied Charging Party its right to represent bargaining unit employees in violation of Government Code section 3519(b).

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

DATED: June 19, 2018

J. FELIX DE LA TORRE
General Counsel

By 
Yaron Partovi
Senior Regional Attorney