

MANAGING AT SWCCD: UNFAIR LABOR PRACTICE CHARGES (ULP)

The Educational Employment Relations Act (EERA) of 1976 established collective bargaining for community colleges and public schools in California. The Public Employment Relations Board (PERB) administers EERA compliance. PERB conducts elections, determines representation election questions and investigates and makes decisions regarding Unfair Labor Practice (ULP) charges filed by employees, labor organizations and districts.

Allegations that SWCCD violated EERA results in being charged with an Unfair Labor Practice (ULP) Charge. EERA states it shall be unlawful for the educational employer to do any of the following:

- Impose or threaten to impose reprisals on employees, to discriminate or threaten to discriminate against employees, or otherwise to interfere with, restrain, or coerce employees because of their exercise of rights guaranteed by this chapter. For purposes of this subdivision, "employee" includes an applicant for employment or reemployment.
- Deny to employee organizations rights guaranteed to them by this chapter.
- Refuse or fail to meet and negotiate in good faith with an exclusive representative. Knowingly providing an exclusive representative with inaccurate information, whether or not in response to a request for information, regarding the financial resources of the public school employer constitutes a refusal or failure to meet and negotiate in good faith.
- Dominate or interfere with the formation or administration of any employee organization, or contribute financial or other support to it, or in any way encourage employees to join any organization in preference to another.
- Refuse to participate in good faith in the impasse procedure set forth in Article 9 (commencing with Section 3548).
- Consult with any academic, professional, or staff advisory group on any matter within the scope of representation for employees who are represented by an exclusive representative, or for whom an employee organization has filed a request for recognition or certification as an exclusive representative until such time as the request is withdrawn or an election has been held in which "no representative" received a majority of the votes cast.

Consequences of an Unfair Labor Practice (ULP) Charge:

- Expensive – average cost to defend against ULP before PERB = \$30,000 to \$40,000!
- Fines
- Negative publicity
- Weakening of SWCCD's position in contract negotiations
- **Undoing management decisions** – especially in cases of policy implementation, and workforce management/design!!