

STATE OF CALIFORNIA

PUBLIC EMPLOYMENT RELATIONS BOARD



SACRAMENTO CITY TEACHERS
ASSOCIATION,

Charging Party,

v.

SACRAMENTO CITY UNIFIED SCHOOL
DISTRICT,

Respondent.

Case No. SA-CE-2877-E

COMPLAINT

It having been charged by Charging Party that Respondent engaged in unfair practices in violation of California Government Code section 3543.5, the General Counsel of the Public Employment Relations Board (PERB), pursuant to California Government Code sections 3541.3(i) and 3541.5 and California Code of Regulations, title 8, section 32640, issues this COMPLAINT on behalf of PERB and ALLEGES:

1. Charging Party is an exclusive representative within the meaning of Government Code section 3540.1(e) of an appropriate unit of certificated employees.
2. Respondent is a public school employer within the meaning of Government Code section 3540.1(k).
3. Charging Party requested the following information that is relevant and necessary to Charging Party's discharge of its duty to represent employees:
 - a. On March 31 and June 10, 2016, Charging Party requested information regarding certified staff members within the bargaining unit including: name, date of hire, current rate of pay; current placement on the salary schedule; salary schedule placement for employees hired since January 1, 2014; name, rate of pay and placement on the salary schedule at the time of separation for

email to JO 7/9/2018 (ma)

employees who were separated from the Sacramento City Unified School District from January 1, 2014 to present; and the names of any employees who advanced from one class to another.

- b. On June 10, 2016, Charging Party also requested information about retired bargaining unit members including name, home address, home phone number, cell phone number, and e-mail address.
- c. On November 28, 2017, Charging Party requested information regarding the pay scale placement of two teachers within the certified bargaining unit.
- d. On January 19, 2017, Charging Party requested copies of the personnel files for two teachers within the certificated bargaining unit.
- e. On January 23, 2017, Charging Party requested “any and all emails between the two employees . . . and any representatives from the District including but not limited those in human resources and the special education department, related to their hiring and placement on the salary schedule.” Charging party also requested “any communication, including email or other forms, among representatives in human resources, payroll and special education related to salary schedule placement and hiring of [the two employees].”

4. On October 21, 2016, Respondent provided Charging Party with only a partial response to some of its multiple requests for information. On or about January 23, 2017 and February 28, 2017, Respondent informed Charging Party that the District would not provide copies of the employee personnel files without written authorization from the affected employee, but would provide the e-mail messages and communications requested on January 23, 2017. Other than the information provided on October 21, 2016, Respondent did not provide the information requested by Charging Party.

5. By the conduct described in paragraph 4, Respondent failed and refused to meet and negotiate in good faith with Charging Party in violation of Government Code section 3543.5(c).

6. This conduct also interfered with the rights of bargaining unit employees to be represented by Charging Party in violation of Government Code section 3543.5(a).

7. This conduct also denied Charging Party its right to represent bargaining unit employees in violation of Government Code section 3543.5(b).

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

DATED: June 28, 2018

J. FELIX DE LA TORRE
General Counsel

By 
Kimberly Procida
Regional Attorney

PROOF OF SERVICE

I declare that I am a resident of or employed in the County of Sacramento, 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, 1031 18th Street, Sacramento, CA 95811-4124.

On July 6, 2018, I served the Cover Letter and Complaint regarding Case No. SA-CE-2877-E on the parties listed below by

 X placing a true copy thereof enclosed in a sealed envelope for collection and delivery by the United States Postal Service or private delivery service following ordinary business practices with postage or other costs prepaid.

 personal delivery.

 facsimile transmission in accordance with the requirements of PERB Regulations 32090 and 32135(d).

 electronic service (e-mail).

Laurie Burgess, CTA Attorney
California Teachers Association
1705 Murchison Drive
Burlingame, CA 94010

Fermin Villegas, Attorney
Atkinson, Andelson, Loya, Ruud & Romo
2485 Natomas Park Drive, Suite 240
Sacramento, CA 95833-2937

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on July 6, 2018, at Sacramento, California.

S. Taylor
(Type or print name)


(Signature)