

PUBLIC EMPLOYMENT RELATIONS BOARD

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October 4, 2013

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California Teachers Association
11745 E. Telegraph Road
Santa Fe Springs, CA 90670

Steven J. Andelson, Attorney
Atkinson, Andelson, Loya, Ruud & Romo
12800 Center Court Drive, Suite 300
Cerritos, CA 90703

Re: *Manhattan Beach Unified Teachers Association, CTA/NEA v. Manhattan Beach Unified School District*
Unfair Practice Charge No. LA-CE-5806-E

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 20 calendar days from the date of service of the COMPLAINT, pursuant to PERB Regulation 32644.¹ 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**.

Also enclosed is a Notice of Informal Conference informing you that an informal settlement conference has been scheduled. If you are unable to meet on the date specified, please follow the instructions in the second paragraph of the notice. All inquiries, filings, and correspondence in this matter should be directed to me.

Sincerely,

Mary Weiss
Senior Regional Attorney
Enclosures

¹ PERB's Regulations are codified at California Code of Regulations, title 8, section 31001 et seq. Copies may be purchased from PERB's Publications Coordinator, 1031 18th Street, Sacramento, CA 95811-4124, and the text is available at www.perb.ca.gov.

STATE OF CALIFORNIA

PUBLIC EMPLOYMENT RELATIONS BOARD



MANHATTAN BEACH UNIFIED TEACHERS
ASSOCIATION, CTA/NEA,

Charging Party,

v.

MANHATTAN BEACH UNIFIED SCHOOL
DISTRICT,

Respondent.

Case No. LA-CE-5806-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. On or about August 1, 2012, Charging Party requested information that is relevant and necessary to Charging Party's discharge of its duty to represent employees, including, but not limited to, the following items:

[2.] Financial Reports of the Manhattan Beach School Facilities Corporation from 2005-present[.]

[3.] A list of all MBUTA Bargaining Unit members receiving stipends indicating the nature of the stipend (e.g. Head Football Coach) and the amount.

4. On or about September 6, 2012, Charging Party requested information that is relevant and necessary to Charging Party's discharge of its duty to represent employees, including, but not limited to, the following items:

10. 2011-2012 [s]alary information for Certificated and Classified Management. Placement information and salary schedule that is similar to that found on the J-90 report for teachers.

12. Copies of all agreements made with law firms, consulting and accounting firms and any individuals retained by the [Respondent].

5. In a September 27, 2012 e-mail message to Charging Party, Respondent attached a partial response to the August 1 and September 6 requests. Additionally, in an October 3, 2012 e-mail message, Respondent attached a partial response to the September 6 request. In an October 12, 2012 e-mail message, Respondent provided another partial response to the September 6 request. However, Respondent did not provide items 2 and 3 of the August 1 request or items 10 and 12 of the September 6 request.

6. In a March 12, 2013 e-mail message, Charging Party renewed its request by advising Respondent that items 2 and 3 of the August 1 request and items 10 and 12 of the September 6 requests remained outstanding. Additionally, on or about March 12, 2013, Charging Party requested the following information that is relevant and necessary to Charging Party's discharge of its duty to represent employees:

[1.] Complete copies of the 2010-11, 2011-12 and 2012-13 MBUSD Adopted Budget including **all** detail pages. MBUTA recognizes this is a great deal of paper. In order to expedite printing and the associated costs, please provide the files electronically.

[2.] Please provide copies of all Public Disclosures of Proposed Collective Bargaining Agreements (AB 1200 documents filed with LACOE) from 2007-2012.

[3.] . . .copies of all correspondence from [LACOE] and MBUSD during the 2007/2008-2012/2013 school years.

7. In an April 15, 2013 letter, Charging Party requested the following information that is relevant and necessary to Charging Party's discharge of its duty to represent employees: (1) "copies of all correspondence, between the [Respondent] and [LACOE] for the current fiscal year as well as the preceding four (4) fiscal years"; and (2) "copies of all contracts and invoices related to the iPad program and the technology related to its implementation and installation."

8. In an April 15, 2013 letter, Charging Party requested information related to the Respondent's use of legal services which is relevant and necessary to Charging Party's discharge of its duty to represent employees.

9. To date, Respondent has failed/refused to respond to Charging Party's March 12 and April 15 requests.

10. By the conduct described in paragraph 9, Respondent failed and refused to meet and negotiate in good faith with Charging Party in violation of Government Code section 3543.5(c).

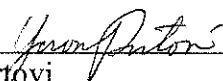
11. This conduct also interfered with the rights of bargaining unit employees to be represented by Charging Party in violation of Government Code section 3543.5(a).

12. 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: October 4, 2013

M. SUZANNE MURPHY
General Counsel

By  _____
Yaron Partovi
Regional Attorney