STATE OF CALIFORNIA

PUBLIC EMPLOYMENT RELATIONS BOARD

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| CALIFORNIA DEPARTMENT OF VETERANS AFFAIRS & CALIFORNIA DEPARTMENT OF PERSONNEL,<br><br>Charging Party,<br><br>v.<br><br>SEIU LOCAL 1000, CSEA,<br><br>Respondent. | Case No. SA-CO-278-S<br><br>AMENDED COMPLAINT |

It having been charged by Charging Party that Respondent engaged in unfair practices in violation of California Government Code section 3519.5, the General Counsel of the Public Employment Relations Board (PERB) on behalf of 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 and alleges

Charging Party is the state employer within the meaning of Government Code section 3513(j).

Respondent is a recognized employee organization within the meaning of Government Code section 3513(b) of an appropriate unit of employees.

3. Before June 30, 2005, Respondent's policy concerning strike behavior was contained in the MOU, Section 5.1(A). Section 5.1(A) states:

> During the term of this Agreement, neither the Union nor its agents nor any employee, for any reason, will authorize, institute, aid, condone or engage in a work slowdown, work stoppage, strike, or any other interference with the work and statutory functions or obligations of the State.

4. On or about June 30, 2005, and again on July 1, 2, 3, 4, and 5, 2005, Respondent changed this policy by condoning a sick-out of Certified Nursing Assistants at the Chula Vista Veteran's Home.

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 3519.5(c).

7. Before July 1, 2005, Respondent's policy concerning notice and compliance with Section 5.1 of the MOU was contained in the MOU, Section 5.1(B). Section 5.1(B) states:

> The Union agrees to notify all of its officers, stewards, chief stewards and staff of their obligation and responsibility for maintaining compliance with this section, including the responsibility to remain at work during any activity which may be caused or initiated by others, and to encourage employees violating the section to return to work.

8. On or about July 1, 2005, Respondent changed this policy by failing to notify Union staff of their obligation to maintain compliance with Section 5.1(B) and encourage employees violating the section to return to work.

9. Respondent engaged in the conduct described in paragraph 8 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.

10. By the acts and conduct described in paragraphs 8 and 9, Respondent failed and refused to meet and confer in good faith in violation of Government Code section 3519.5(c).

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

DATED: July 19, 2005

ROBERT THOMPSON
General Counsel

By _____
Les Chisholm
Regional Director