

PUBLIC EMPLOYMENT RELATIONS BOARD (PERB)

POWERS, DUTIES, FUNCTIONS

PERB is a state agency created by the Educational Employment Relations Act (Rodda Act, 1976). It also administers the State Employment Relations Act (Dills Act, 1977), the Higher Education-Employee Relations Act (Berman Act, 1978), and the Meyers-Milius-Brown Act. It has jurisdiction over implementation of collective bargaining for approximately 600,000 California public employees. It adopts rules and regulations under which it performs its legal functions. Such rules are published under Title 8, California Administrative Code.

LEGAL FUNCTIONS

The Board serves as an administrative, regulatory, and quasi-judicial body. Its basic functions established by law are: 1) to determine and implement, through elections, the free democratic choice by employees as to whether they wish to be represented by an employee organization for the purpose of negotiating, and if so, which one; 2) to present and remedy unlawful acts, defined in law as unfair practices, by either employers or employee organizations; 3) to oversee and establish procedures whereby negotiations between employers and employee organizations result in agreement; 4) to assure that the public is afforded sufficient information and time to register its opinion regarding negotiations; 5) to monitor the financial activities of employee organizations; 6) to have jurisdiction over strikes which occur prior to exhaustion of statutory impasse procedures and; 7) exercise its jurisdiction over strikes which have occurred after the exhaustion of statutory impasse procedures.

GENERAL COUNSEL

The General Counsel is the chief legal officer of the Public Employment Relations Board. The Board delegates to the General Counsel all responsibilities for matters relating to litigation including, but not limited to, enforcement or review of Board orders; compliance with Board orders; investigation and seeking of injunctive relief; and other litigation affecting the Board. The General Counsel acts as law information officer for the Board and shall render other legal advice as requested.

CHIEF ADMINISTRATIVE LAW JUDGES

The Board delegates to the Chief Administrative Law Judge all responsibility for processing and hearing unfair practice matters including information conferences, the issuance of dismissals and written decisions following hearings. The executive Director may delegate the responsibility to adjudicate cases to the Chief Administrative Law Judge.

APPEALS

Appeals (also called “exceptions”) from the decisions of hearing officers to the Board itself, will review the case and issue a decision. The decision of the PERB in unit cases is final and may be appealed to the courts only with concurrence of the PERB itself. PERB decisions on unfair practices may be appealed to the courts.

IMPASSE RESOLUTION

PERB provides mediators and fact finders to assist in the resolution of bargaining impasses. Either party may declare that an impasse has been reached on matters within the scope of negotiations and may request PERB to appoint a mediator. If it is determined that an impasse exists, a mediator must be appointed within five working days after receipt of a request. The cost of the mediator is borne by PERB.

For schools and higher education employees, but not state employees, if the mediator cannot effect settlement of the controversy within fifteen days and declares that fact-finding is appropriate, either party may request that the dispute be submitted to a tripartite fact-finding panel. The Board appoints and pays costs of the neutral to the panel. The Board has jurisdiction over any strikes or lockouts that occur prior to exhaustion of the impasse process.

MORE INFORMATION

Office addresses phone numbers, staff listings and members of the Board can be found at PERB’s website, www.perb.ca.gov.