

PUBLIC EMPLOYMENT RELATIONS BOARD



Sacramento Regional Office
1031 18th Street
Sacramento, CA 95811-4124
Telephone: (916) 327-7242
Fax: (916) 327-6377



April 8, 2013

Marianne Reinhold, Attorney
Reich, Adell, Crost & Cvitan
2670 North Main St., Suite 300
Santa Ana, CA 92705

Mark R. Howe, Senior Deputy County Counsel
County of Orange
P.O. Box 1379
Santa Ana, CA 92702-1379

Re: *Orange County Attorneys Association v. County of Orange*
Unfair Practice Charge No. LA-CE-814-M

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 twenty (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.

An informal settlement conference will be scheduled shortly. Please direct all inquiries, filings and correspondence to the undersigned.

Sincerely,

James Coffey /st

James Coffey
Regional Attorney

Enclosure

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



ORANGE COUNTY ATTORNEYS
ASSOCIATION,

Charging Party,

v.

COUNTY OF ORANGE,

Respondent.

Case No. LA-CE-814-M

COMPLAINT

It having been charged by Charging Party that Respondent engaged in unfair practices in violation of California Government Code section 3500 et seq., the General Counsel of the Public Employment Relations Board (PERB), pursuant to California Government Code sections 3509(b) and 3541.3(i) 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 PERB Regulation 32016(b) of an appropriate unit of employees.
2. Respondent is a public agency within the meaning of Government Code section 3501(c) and PERB Regulation 32016(a).
3. During the period from May 13, 2011 through September 13, 2012, Respondent and Charging Party were meeting and conferring pursuant to Government Code section 3505.
4. During this period of time, Respondent engaged in the following conduct: (1) unilaterally suspended bargaining with Charging Party for a period of approximately six months; (2) engaged in regressive bargaining by twice indicating a willingness to move away from its initial positions with respect to bargaining unit member salaries and bargaining unit member retirement contributions, then providing subsequent proposals omitting all progress

made during negotiations; and (3) failing to respond to Charging Party's proposals submitted in response to Respondent's April 27, 2012 proposal.

5. By the acts and conduct included in, but not limited to, those described in paragraph 4, Respondent failed and refused to meet and confer in good faith with Charging Party in violation of Government Code sections 3505 and 3506.5(c), and committed an unfair practice under Government Code section 3509(b) and PERB Regulation 32603(c).

6. This conduct also interfered with the rights of bargaining unit employees to be represented by Charging Party in violation of Government Code sections 3506 and 3506.5(a), and is an unfair practice under Government Code section 3509(b) and PERB Regulation 32603(a).

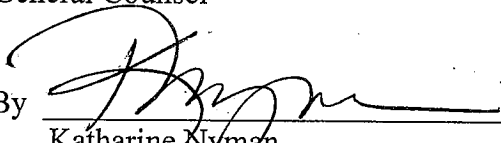
7. This conduct also denied Charging Party its right to represent bargaining unit employees in violation of Government Code sections 3503 and 3506.5(b), and is an unfair practice under Government Code section 3509(b) and PERB Regulation 32603(b).

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

DATED: April 8, 2013

M. SUZANNE MURPHY
General Counsel

By


Katharine Nyman
Regional Attorney

STATE OF CALIFORNIA
PUBLIC EMPLOYMENT RELATIONS BOARD



ORANGE COUNTY ATTORNEYS
ASSOCIATION,

Charging Party,

v.

COUNTY OF ORANGE,

Respondent.

Case No. LA-CE-814-M

**NOTICE OF INFORMAL
CONFERENCE**

PLEASE TAKE NOTICE that on **May 2, 2013**, beginning at **10:30 a.m.**, at the Public Employment Relations Board, **700 North Central Avenue, Suite 200, Glendale, California**, an informal conference will be held pursuant to California Code of Regulations, title 8, section 32650 on an unfair practice complaint issued by the Public Employment Relations Board (PERB) against the above-named respondent. The conference will be held before the undersigned representative of PERB, at which time the parties should appear in person or by representative. Any representative who is not authorized to settle the case should be accompanied by an individual who is so authorized.

PLEASE TAKE FURTHER NOTICE that requests to change the date of the informal conference will not be entertained unless a written request meeting the following conditions is filed in the Sacramento Regional Office not less than five (5) working days before the date set for the conference.

1. The request must be served on the opposing party;
2. The reasons for the request must be specified;
3. The request must include the opposing party's position on the request;

4. Alternate dates proposed by the requesting party and submitted by the opposing party must be stated. (Reasonable attempts should have been previously made to coordinate those dates with the calendar of the undersigned; and
5. The alternate dates must fall within 20 calendar days of the date the conference was originally scheduled.

If all of the above-listed conditions are not met, the written request must set forth good cause for the failure to comply with this directive.

At the conference, the parties should be prepared to reach a settlement agreement or reduce the number of outstanding issues. If no settlement is reached, a formal hearing will be scheduled by the PERB. Parties should be prepared at the conference to submit at least three sets of proposed dates for formal hearing.

All communications concerning the further processing of this case should be addressed to the undersigned at PERB, 1031 18th Street, Sacramento, CA 95811-4124; (916) 327-7242.

DATED: April 8, 2013

By James Coffey /st
James Coffey
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 April 8, 2013, I served the Cover Letter, Complaint and Notice of Informal Conference regarding Case No. LA-CE-814-M on the parties listed below by

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).

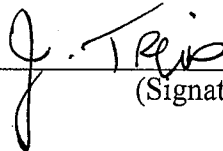
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County of Orange
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I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 8, 2013, at Sacramento, California.

J. Treis

(Type or print name)



(Signature)