

OCAA MEMBERSHIP UPDATE (May 2013):

In an effort to keep the membership informed as to the actions taken by OCAA on your behalf, this update explains what OCAA has done and will be doing in regard to the County imposing Terms and Conditions of Employment on the attorneys.

The Public Employment Relations Board (PERB) issued a complaint based on the unfair labor practice charge that OCAA filed last year regarding the acts of bad faith bargaining by the County during 2011-12. Please note that the unfair labor practice charge was filed on November 16, 2012. A copy of the Complaint is referenced as Attachment #1. The complaint was issued before OCAA filed its amendments to allege that the Board of Supervisor's subsequent vote in March 5, 2013, and the resulting unilateral imposition of the new terms and conditions of employment, constituted additional acts of bad faith bargaining on the part of the County. As a result OCAA has filed an amended complaint alleging these additional acts of bad faith by the County. A copy of the Amended Complaint is referenced as Attachment #2. The Answer To The Complaint is referenced as Attachment #3.

Because an employer is only permitted to unilaterally impose new terms and conditions if the imposition occurs after the parties have engaged in good faith bargaining and the bargaining process has been exhausted, if the County is held to have engaged in bad faith bargaining during 2011-12, the vote to impose will likely be held to constitute an additional act of bad faith.

In reviewing and investigating the initial unfair labor practice the Regional Attorney for PERB makes an assessment of whether or not the facts alleged in the charge constitute sufficient material facts to establish a prima facie case. The Administrative Law Judge who is assigned to hear the case will be making a determination as to whether or not to permit OCAA's amendments to the complaint as well as ultimately whether or not OCAA has met its burden of proof of establishing that the County engaged in bad faith bargaining. It is anticipated that the hearing in this matter will be take place in September of 2013.