



United States Government

NATIONAL LABOR RELATIONS BOARD

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February 13, 2014

VIA ELECTRONIC MAIL

Robert M. Stone, Esq.
Jon C. McNutt, Esq.
Musick, Peeler & Garrett, LLP
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Re: University of La Verne
Cases 21-CA-121140 et. al.

Dear Mr. Stone and Mr. McNutt:

This letter will inform you of the allegations raised by the preliminary investigation of the above-captioned charges, filed by the Service Employees International Union (herein Union) and to request your cooperation in the investigation. Based on the preliminary investigation in the above-captioned charges, it is alleged that the University of La Verne (herein Employer or University) has been engaging in unfair labor practices in violation of Section 8(a)(1) of the Act. In this regard, the Union is alleging:

Case 21-CA-121140

- Within the past six months, the Employer has interfered with, restrained and coerced employees in the exercise of their rights under Section 7 of the National Labor Relations Act (herein Act) by expressly and impliedly soliciting employee grievances and expressly or impliedly promising favorable resolution of those grievances as a means of influencing the outcome of the election.
 - In this regard the Union alleges that during the month of October 2013, the Employer began holding focus groups for adjunct professors in the conference room in the Human Resources office. The adjunct professors were made aware of these focus groups via an e-mail from Director of Human Resources Jody Bomba (herein Bomba) through the University e-mail system on October 11, 2013, (this e-mail invited employees to share their perspectives and that the University wanted to gather their feedback). At these focus groups, Employer representatives including but not limited to Bomba, the Provost at the time, and Bomba's administrative assistant, solicited adjunct professor's grievances and concerns regarding their employment. The complaints raised by adjuncts included opportunities for full-time employment, wage-related concerns, spatial issues at the University, student loans, calculation of adjunct hours, among other issues. During the course of these focus groups, the Employer representatives committed to the adjuncts to resolve these grievances/concerns.

- The Union also alleges that on or around December 2013, including on or around December 11, 2013, the Employer held some “Coffee Chat” meetings for adjunct professors in the dining room at the Hanawalt House. Both Bomba and Interim Provost Jonathan Reed (herein Reed) attended these “Coffee Chats.” During these meetings employees were asked to raise any concerns or complaints they had regarding their working conditions. Employees raised similar concerns to those addressed in the paragraph above and Bomba and Reed offered to meet with employees individually to further discuss and address such concerns.
- On or around December 16, 2013, Bomba met with employees that had conveyed grievances/concerns during the above described meetings. During the December 16, 2013, meeting Bomba conveyed to these employees that she had resolved some of their concerns and/or would be working on resolving the remaining employee concerns.
- On or around December 18, 2013, Reed met with employees in his office and discussed with employees the concerns raised in the prior meetings in effort to address those concerns. Reed promised to make efforts to address some of those concerns.
- On February 11, 2014, at 1:09 p.m., University Representative Chip West sent an e-mail to adjunct professors asking for their feedback and participation in the University’s Master Plan (plans to improve the University which includes the University’s 2020 Strategic Vision—a plan which in part addresses compensation concerns for adjunct professors).

Case 21-CA-121145

- Within the past six months, the Employer has interfered with, restrained and coerced employees in the exercise of their rights under Section 7 of the Act by expressly and impliedly threatening to withdraw benefits from employees as a means of influencing the outcome of the upcoming election.
 - On or around November 13, 2013, University President Devorah Lieberman (herein Lieberman) met with students in her office to discuss unionization. During this meeting she referenced the Employer’s 2020 Strategic Vision and the University’s efforts to address adjunct professors concerns regarding compensation and implied that the Employer would be unable to address the adjunct’s concerns regarding pay issues because of the Union.
 - On or around December 16, 2013, Bomba met with adjunct professors in her office. She described to the adjunct professors several plans the University had in the works which addressed calculating professor’s weekly hours, the University’s matching program, and a plan addressing pay issues. Bomba conveyed to the students that since the Union had filed its petition, all of those plans were frozen.

Case 21-CA-121153

- Within the past six months, the Employer has interfered with, restrained and coerced employees in the exercise of their rights under Section 7 of the Act, by surveilling

employees and creating the impression of surveillance of employees as a means of influencing the outcome of the upcoming election.

- In this regard, the Union alleges that on or around the first week of December 2013, at about 1:00 p.m., during a rock painting event in front of Founders Hall held by Voices in Action to show support for the adjunct professors' organizing efforts, two campus security guards drove up and parked their security vehicle across the street on a pedestrian sidewalk immediately in front of the event and proceeded to monitor the event for at least 45 minutes to an hour. The names of the campus security guards are unknown but one had dark skin and dark hair with a heavy build, and the other had gray hair and light skin with a heavy build.
- The Union also alleges that on or around the first week of the spring semester (the week of January 6, 2014), in the small courtyard between the Landis Building and the Business school, Dean of the Business School Abe Hellou (herein Hellou) walked up to an adjunct professor speaking with two Union organizers and interrupted and then listened in on their conversation and then stepped about 10 feet away from the individuals and observed/monitored them for a few minutes while they finished the conversation.

Case 21-CA-121165

- Within the past six months, the Employer has interfered with, restrained and coerced employees in the exercise of their rights under Section 7 of the Act by expressly and impliedly promising to grant benefits to employees as a means of influencing the outcome of the upcoming election.
 - On or around October 2013, adjunct professors were provided with a flyer entitled "Adjuncts With Excellence" along with their paycheck stubs which listed a variety of benefits to which the professors were entitled, several of which the adjunct professors were unaware of prior to receiving this flyer.
 - On or around November 13, 2013, Lieberman met with adjunct professors in her office. During those meetings Lieberman stated that she understood that the adjunct professors were paid little and that she had formed a committee to look into the issue of compensation for adjunct professors and that she wanted to assure that the adjunct professors received comparable pay to other institutions of similar stature.
 - On December 6, 2013, University President Devorah Lieberman sent an e-mail to adjunct professors regarding the University's Compensation Task Force stressing to the adjunct professors that the University was swiftly making efforts to redress the issue of low-pay for adjunct professors, among other economic issues.
 - On January 13, 2014, Dean of the College of Arts and Sciences, Felicia Beardsley (herein Beardsley) sent an e-mail to adjunct professors stating that the union was not necessary now that the Employer had just initiated "a holistic reform of remuneration for all faculty, including the implementation of best practices."

- On or around January 21, 2014, at 9:04 a.m., La Verne HR sent an e-mail to adjunct faculty advertising several new training opportunities for adjunct faculty in support of the Employer's "2020 Strategic Plan."
- On January 27, 2014, Lieberman sent a letter to adjunct faculty urging them to vote no in the upcoming Union election and promising that the University's Compensation Task Force would make recommendations to the Board of Trustees that faculty and staff compensation be comparable with comparator institutions.
- On the University's lavernelabordialogue.org website, the videos recorded by Bomba and Liberman implicitly promise to address adjunct professor's compensation concerns.

Case 21-CA-121679

- Within the past six months, the Employer has interfered with, restrained and coerced employees in the exercise of their rights under Section 7 of the Act, by unlawfully promulgating a no-solicitation rule.
 - In this regard the Union alleges that on January 30, 2014, at 12:46 p.m., Interim Dean Beardsley sent an e-mail to adjunct professors within the College of Arts and Sciences instructing them that they should not be soliciting either on behalf of or against the Union during the two-week election voting period.

In order to allow the Region to fully weigh all of the facts involved in this case and to allow parties an opportunity to present their views and evidence, a response setting forth the Employer's position as to the charge is strongly encouraged. The Region seeks to avoid unnecessary litigation wherever possible, which goal can often be achieved when the full facts are available for review.

Accordingly, your full and complete cooperation in this investigation is requested. Full and complete cooperation includes the timely providing of all material witnesses under your control to a Board agent, so that the witnesses' evidence can be reduced to affidavit form, and providing all relevant documentary evidence requested. The submission of a position letter or memorandum, or the submission of affidavits or declarations not taken by a Board agent, does not constitute full and complete cooperation.

In connection with the foregoing, I am requesting to take a sworn affidavit from any of the Employer representatives named above, or any other Employer representative who has information relevant to the allegations described above. I am also requesting all evidence in the Employer's possession which rebuts the Charging Party's allegations. If you choose not to make witnesses available to present affidavits, it is requested that you present a position statement which addresses the above-noted unfair labor practice allegations. Please be advised that we cannot accept any limitations on the use of any evidence or position statements that are provided to the Agency. Any such limitations will be disregarded and any position statement will be considered in the investigation and may be introduced into the record in the event that the above-captioned matter is litigated.

I am further requesting all documentary evidence in the Employer's possession which rebuts the Union's allegations including but not limited to the following:

- All correspondence sent from the Employer to adjunct professors who were eligible to vote between September 2013 and February 13, 2014, including but not limited to copies of the correspondence described above;
- Any notes, outlines, agendas or other documents documenting the conversations or the topics discussed in any of the focus group, coffee chat or other meetings between the Employer and adjuncts discussed above;
- Documents describing Employer plans to address adjunct professor pay issues, for the time period of September 1, 2013, through the current date and documents showing when those plans were implemented;
- Documents describing the Employer's equitable pay component of its 20/20 Strategic Vision/Master Plan and documents showing when that plan was implemented.
- Documents describing the Adjuncts with Excellence program and documents showing when those plans were implemented.
- Documents showing any other benefits for which adjunct professors are eligible including matching programs, and new formulas for addressing the calculation of adjunct hours as discussed by Bomba during the meeting with adjuncts on December 16, 2013, described above, and documents showing when those plans were implemented.
- Documents describing the "new training opportunities" for which adjuncts were eligible as described in the January 21, 2014, email discussed above and documents showing when those training opportunities were created and implemented.
- Documents describing the University's "Compensation Task Force" and documents showing when that task force was created.
- Any other documents relevant to the matters described above.

Please also cite to any case law relevant to the matters described above which govern the circumstances here.

Any and all evidence from the Employer, be it in the form of sworn affidavits taken by a Board Agent, or a position statement submitted in lieu of or in addition to sworn affidavits, must be received in this office no later than the close of business on **Monday, February 24, 2014**. Absent the timely submission of the foregoing, the Regional Director will make her decision based upon the evidence contained in the case file as of the noted date.

FILING DOCUMENTS WITH REGIONAL OFFICES: The Agency implemented a fully electronic records system. To facilitate this important initiative, the Agency strongly urges all parties to submit documents and other materials (except unfair labor practice charges and representation petitions) to Regional Offices through the Agency's E-Filing system on its website: <http://www.nlr.gov> (The instructions for using the Agency's E-Filing system are also at the Agency's website).

Thank you in advance for your anticipated cooperation.

Sincerely,

/s/ Lindsay R. Parker

Lindsay R. Parker
Field Attorney