

I. INTRODUCTION

Through its Request for Special Permission to Appeal, the Union is trying to avoid losing an election. When it filed the Unfair Labor Practice charges on January 23, the Union also issued Requests to Proceed - contending that the election should go forward despite the University's alleged unlawful conduct. Only two weeks later, after the ballots had already been sent out, the Union reversed its course, asking the Regional Director to stop the election and impound the ballots.

To justify this sea change, the Union claims that it uncovered new facts - conduct that interfered with the voting members' free choice. The Union now contends that the University's actions were "more widespread and pernicious" than previously understood. Nothing could be further from the truth.

II. ARGUMENT

The Union provides no evidence to demonstrate its ignorance. The Union cites only to "small focus groups", which it admits occurred before the ULPs were filed. Indeed, the University held these Connect over Coffee meetings - which were held in a town-hall style forum - long before the Union's campaign began. All faculty - not just those in the voting unit - were able to attend. Attendance was not mandatory and no promises were made to anyone. The meetings involved discussions only.

None of the other "evidence" cited in the Union's brief is new. The ULPs claimed that the University "implied promises of benefits and threats of withdrawal of benefits." They also complained of the University's allegedly coercive communications, surveillance, and no-solicitation rule.

These “facts” were known to the Union on January 23, just as they were on February 7. While the University’s conduct did not change during that period, the Union noticed a shift in support among its constituents.

Voting members were increasingly speaking out against union representation. The Union discovered that its organizing tactics were ineffective among the learned professionals in the voting unit - individuals who preferred to reach informed decisions about representation through unbiased sources.

Fearing defeat, the Union scrambled to stop the election. On February 7, more than a week after the mail ballots had been sent out, the Union asked to withdraw its Requests to Proceed and cancel the scheduled ballot count. The Regional Director refused.

The Regional Director’s sound judgment should not be disturbed. First, the Regional Director holds primary authority over procedural matters such as this. Her office oversees the election, so it understands how best to proceed. If the Board Agent’s affidavits were so incriminating, the Region would have allowed the Union to rescind its Requests for Review. That it refused speaks volumes.

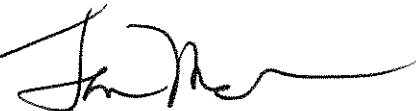
Second, it makes logistical sense to count the ballots now. The votes are in. Counting them would take a matter of a few hours. Should the Union prevail in the election, the ULPs would be moot. The parties would not need to argue their positions and the Board would not have to issue a decision - actions that would take dozens of work hours. If the ULPs were addressed first, that work could be for nothing.

III. CONCLUSION

The voting unit has spoken. Now it's time for their voices to be heard. The Union's Request for Special Permission to Appeal should be denied and the ballot count should be rescheduled.

DATED: February 20, 2014

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THE UNIVERSITY OF LA VERNE

PROOF OF SERVICE
University of La Verne/SEIU
Case No. 21-RC-115880

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is One Wilshire Boulevard, Suite 2000, Los Angeles, California 90017-3383.

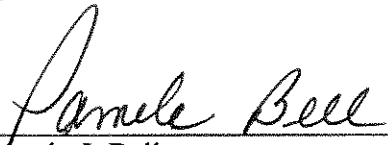
On February 20, 2014, I served true copies of the following document(s) described as **EMPLOYER'S OPPOSITION TO SERVICE EMPLOYEES INTERNATIONAL UNION'S REQUEST FOR SPECIAL PERMISSION TO APPEAL** on the interested parties in this action as follows:

PLEASE SEE ATTACHED SERVICE LIST

- BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Musick, Peeler & Garrett LLP's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
- BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the document(s) to be sent from e-mail address p.bell@mpglaw.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on February 20, 2014, at Los Angeles, California.



Pamela J. Bell

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