



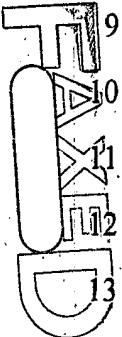
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DEC 19 2017
CLERK OF THE SUPERIOR COURT
By Molly [Signature] Deputy

Attorneys for Plaintiff
TEAMSTERS LOCAL 2010

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA



TEAMSTERS LOCAL 2010,

Plaintiff,

v.

REGENTS OF THE UNIVERSITY OF
CALIFORNIA,

Defendant.

Case No. **RG17886561**
**COMPLAINT FOR INJUNCTIVE RELIEF,
DECLARATORY RELIEF AND
RESTITUTION FOR VIOLATION OF
CALIFORNIA GOVERNMENT CODE
SECTION 16645.6**

SUMMONS ISSUED

Plaintiff TEAMSTERS LOCAL 2010 ("Plaintiff" or "Teamsters Local 2010") complains and alleges as follows:

NATURE OF THE ACTION

1. Plaintiff is a labor organization, which exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work. Plaintiff currently represents over 10,000 employees of the Regents of the University of California and at all relevant times was organizing the Skilled Crafts unit employees at the University of California Davis Campus ("UCD"). Defendant REGENTS OF THE UNIVERSITY OF CALIFORNIA ("Defendant" or the "Regents") is a public employer. The California Government Code prohibits a public employer from using state funds to "assist, promote, or deter union organizing," which is defined broadly to include "any attempt by an employer to influence the decision of its employees" regarding union organizing. The Regents violated this prohibition by

1 expending state funds to draft and distribute literature that attempted to influence its employees'
2 decision regarding whether to support or oppose the Teamsters Local 2010 organizing campaign.
3 Through this Complaint, Plaintiff seeks compensatory damages, restitution, injunctive relief,
4 attorneys' fees, and costs of suit.

5 VENUE AND JURISDICTION

6 2. Pursuant to Code of Civil Procedure section 395, venue is proper in Alameda County
7 because that is the county in which the Defendant resides, as that is the location of its principal
8 administrative office.

9 PARTIES

10 3. Plaintiff TEAMSTERS LOCAL 2010 ("Plaintiff" or "Teamsters Local 2010") is a
11 labor organization, which exists for the purpose of dealing with employers concerning grievances,
12 labor disputes, wages, rates of pay, hours of employment, or conditions of work. It is an
13 unincorporated association in California and a California taxpayer. Plaintiff is the exclusive
14 bargaining representative of the statewide unit of clerical and allied services employees of the
15 Regents and skilled crafts employees of the Regents of the University of California at the Los
16 Angeles campus ("UCLA") and at the San Diego campus ("UCSD"). Plaintiff represents
17 approximately 14,000 public employees in the state of California.

18 4. Defendant REGENTS OF THE UNIVERSITY OF CALIFORNIA (the "Regents") is
19 a public employer within the meaning of the California Government Code section 16645.6. The
20 Regents employ skilled crafts employees at the University of California, Davis ("UCD").

21 FACTUAL ALLEGATIONS

22 5. Teamsters Local 2010 is a labor organization and the exclusive representative of the
23 skilled crafts unit employees at UCLA and UCSD. Teamsters Local 2010, at all relevant times, was
24 organizing the skilled crafts employees of the Regents at UCD.

25 6. In May 2017, in response to Plaintiff's organizing campaign, UCD's Employee and
26 Labor Relations management drafted and distributed an "HR Bulletin" attempting to deter support for
27 Teamsters Local 2010 and/or deter membership in Teamsters Local 2010. A copy of this HR
28 Bulletin is attached hereto as **Exhibit 1**.

1 7. UCD's communication began by specifically referencing the union organizing
2 campaign, stating, "Currently there is an organizing campaign in progress for the Skilled Crafts Unit
3 (K3) on the UC Davis campus." UCD's communication went on to state that it wanted to provide the
4 information that employees needed to make a decision regarding whether to support unionization.
5 The purpose of the communication, as clearly stated, was to address the unit employees regarding
6 Teamsters Local 2010's organizing campaign and to influence them with respect to this decision.
7 UCD's communication went on to make statements that objectively served as an attempt to influence
8 employees' decision regarding whether to support Teamsters Local 2010 and specifically to deter
9 support. UCD's communication comprised statements designed to detract from union support.

10 8. UCD's communication continued by attempting to distinguish UCD by drawing a
11 negative comparison between UCD and the large wage increases won by Teamsters Local 2010 for
12 skilled crafts employees at UCLA and UCSD, implying that Teamsters Local 2010 was less valuable
13 or useful to UCD skilled crafts employees than skilled crafts employees at UCLA and UCSD and that
14 support for Teamsters Local 2010 would not result in comparable benefits for UCD employees.
15 UCD's communication stated: "The Skilled Crafts groups at both UCLA and UCSD had been in
16 extensive contract negotiations, which had the effect of freezing salaries for several years. As a
17 result, the initial increase provided by the new contracts had to account for multiple missed increases.
18 This is an important distinction from the current status at UC Davis, where employees continue to
19 receive annual merit increases based on performance."

20 9. UCD's communication went on to attempt to dissuade its employees against
21 supporting or joining Teamsters Local 2010 by stating that it had a commitment to paying its Skilled
22 Crafts employees "market-competitive wages" and by stating that its employees paid significantly
23 less for health benefits than the "average American worker." This statement (particularly as it
24 followed the negative comparison with the wage increases won at UCLA and UCSD) is an attempt to
25 influence employees not to support Teamsters Local 2010 by implying both that support for the union
26 is unnecessary because UCD would pay market-competitive wages regardless and that the union's
27 role would be futile because UCD had already determined to pay market-competitive wages.
28

1 10. UCD's communication went on to advise employees that it had "a complaint
2 process... that acts as a grievance procedure for non-represented employees" and stated that "at any
3 time, you may file a complaint based on a specific management action." This statement is an attempt
4 to influence employees against supporting Teamsters Local 2010 by attempting to minimize the value
5 of a union by advising employees that they can already seek redress individually without a union and
6 by soliciting grievances. The clear implication is that a union is unnecessary.

7 11. UCD's communication ends with a "thank you" to employees and a statement of
8 appreciation. This statement, in the context of the entire communication, is aimed at fomenting
9 loyalty to UCD and to imply that a union is unnecessary because UCD appreciates its employees.

10 12. UCD's communication uses traditional anti-union tactics, including, attempting to
11 minimize or understate or distinguish the union's past accomplishments, imply that the union would
12 not be useful or would be futile because the employer already provides certain benefits, emphasizing
13 the employer's control over these benefits, and soliciting grievances and priming employee loyalty.

14 13. Teamsters Local 2010 complained to UCD regarding its violation of Government
15 Code section 16645.6 and UCD refused to rescind the May 2017 communication.

16 14. By letter dated October 12, 2017, Teamsters Local 2010 advised the California
17 Attorney General of UCD's violation, requested that the Attorney General bring suit, and gave notice
18 that if the Attorney General's office failed to initiate such action that Teamsters Local 2010 would
19 file suit to enforce Government Code section 16645.6. Sixty (60) days has elapsed and the Attorney
20 General has not initiated suit against the Regents of the University of California.

21
22 **FIRST CAUSE OF ACTION**
[Cal. Gov. Code section 16645.6]

23 15. Plaintiff reasserts and re-alleges paragraphs 1 through 14, inclusive as though fully set
24 forth herein and incorporates said paragraphs by reference.

25 16. California Government Code section 16645.6 prohibits a public employer from using
26 state funds to "assist, promote, or deter union organizing."

27 17. The term "assist, promote, or deter union organizing" is defined broadly as "any
28 attempt by an employer to influence the decision of its employees in this state or those of its

1 subcontractors regarding either of the following: (1) Whether to support or oppose a labor
2 organization that represents or seeks to represent those employees; or (2) Whether to become a
3 member of any labor organization.” Cal. Gov. Code § 16645.

4 18. Defendant is a public employer within the meaning of California Government Code
5 section 16645.6.

6 19. At all relevant times, Teamsters Local 2010 was seeking to represent UCD’s skilled
7 crafts employees and was engaged in an organizing campaign and was soliciting skilled crafts
8 employees to become members of Teamsters Local 2010.

9 20. On information and belief, UCD used state funds to draft, promulgate, post and
10 circulate its May 2017 HR Bulletin.

11 21. By its May 2017 HR Bulletin, UCD attempted to influence the decision of its
12 employees regarding whether to support or oppose Teamsters Local 2010 or whether to become a
13 member of Teamsters Local 2010 and “to deter” union organizing within the meaning of California
14 Government Code sections 16645 and 16645.6.

15 22. In taking the actions described above, UCD violated California Government Code
16 section 16645.6.

17 23. As set forth herein, Plaintiff has fulfilled any procedural requirements for filing suit by
18 providing written notice to the Attorney General of the alleged violation, and 60 days has elapsed and
19 the Attorney General has not commenced a civil action.

20 24. Wherefore Plaintiff seeks relief as set forth below.

21 **PRAYER FOR RELIEF**

22 Plaintiff demands judgment and other relief as follows:

- 23 1. For monetary or compensatory damages;
- 24 2. For restitution;
- 25 3. For appropriate injunctive relief enjoining Defendant from further activity
26 violating California Government Code section 16645.6;
- 27 4. For declaratory relief that Defendant violated California Government Code
28 section 16645.6;

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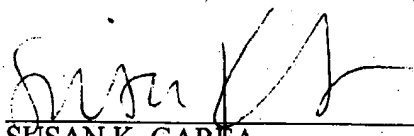
5. For an award of appropriate attorneys' fees pursuant to California Government Code section 16645.8;

6. For an award of the costs of this action pursuant to California Government Code section 16645.8.; and

7. For any other relief the Court deems just and proper.

Dated: December 19, 2017

BEESON, TAYER & BODINE, APC

By: 

SUSAN K. GAREA

Attorneys for TEAMSTERS LOCAL 2010

UC DAVIS | HIR BULLETIN

UC Skilled Crafts Units

From: Employee and Labor Relations

Date: May 17, 2017

Dear Colleague,

Currently there is an organizing campaign in progress for the Skilled Crafts Unit (K3) on the UC Davis campus. As previously stated, the University is neutral on the issue of unionization and supports the right of each employee to make an independent decision on whether or not to be represented by a union. The University believes that its role is to ensure that employees have the information they need to make an informed, voluntary choice and understand the process when faced with this important decision.

The Skilled Crafts groups at both UCLA and UCSD had been in extensive contract negotiations, which had the effect of freezing salaries for several years. As a result, the initial increase provided by the new contracts had to account for multiple missed increases. This is an important distinction from the current status at UC Davis, where employees continue to receive annual merit increases based on performance.

UC Davis is committed to paying its Skilled Crafts employees market-competitive wages. Additionally, UC Davis Skilled Crafts employees enjoy an average annual cost of \$384 for comprehensive health benefits as compared to the average American worker who will pay more than \$5,200 annually for less generous health benefits.

It is also important to note that UC Davis has a complaint process located in PPSM-70, (outlined [here](#)) that acts as a grievance procedure for non-represented employees. At any time, you may file a complaint based on a specific management action.

Thank you for all that you do for UC Davis. We appreciate the contributions you make every day to honor our commitment to sustainability, serve students and enable our University to continue its world-class research.