

**SCHWARTZ, STEINSAPIR, DOHRMANN & SOMMERS LLP**

STUART LIBICKI  
MICHAEL R. FEINBERG  
MARGO A. FEINBERG  
HENRY M. WILLIS\*  
D. WILLIAM HEINE  
ZOE S. MOSKOWITZ  
AMY M. CU  
RICHARD M. SWARTZ  
DANIEL E. CURRY\*\*  
KIRILL PENTESHIN  
ALEJANDRO DELGADO  
MELANIE LUTHERN\*  
JUDY H. LEE  
ERIC M. MARKOVITS

**LAWYERS**

**SUITE 2000**

**6300 WILSHIRE BOULEVARD  
LOS ANGELES, CALIFORNIA 90048-5268**

**(323) 655-4700**

**FAX (323) 655-4488**

**WEBSITE: WWW.LALABORLAW.COM**

KENNETH M. SCHWARTZ  
(1916 – 2008)

MICHAEL D. FOUR  
(1956 – 2018)

CLAUDE CAZZULINO  
(1954 – 2021)

LAURENCE D. STEINSAPIR  
ROBERT M. DOHRMANN  
RICHARD D. SOMMERS  
(RETIRED)

WRITER'S DIRECT  
E-MAIL ADDRESS:  
MARGO@SSDSLAW.COM

\*MEMBER OF CA AND NV BARS  
\*\* MEMBER OF CA, NY, KS AND AZ BARS

April 12, 2023

Daniel Crossen  
Public Employment Relations Board  
San Francisco Regional Office  
1330 Broadway, Suite 601  
Oakland, California 94612-2514

**Re: Motion to Expedite Proceedings**  
**PERB Case No. SF-CE-1422-H**

Dear Mr. Crossen:

As you are aware, our office represents the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), AFL-CIO and its Local Union 2865 (“Local 2865” or “Union”) in the above-referenced unfair practice charge.

Pursuant to PERB Regulation 32147, the Union respectfully requests that PERB expedite processing of its Unfair Practice Charge at all divisions. PERB Regulation 32147 was meant to address precisely the kind of misconduct and representational harms that are at issue here. The University has engaged in severe acts of surface and per se bargaining violations and unilateral actions that have made it more difficult for the Parties to reach an agreement. In addition, the University has combined this misconduct with flagrant and unabashed appeals to undergraduate ASEs to bypass the Union and deal directly with the University, public attacks on the Union bargaining team’s capacity to represent bargaining unit members, and interference with Local 2865’s internal affairs and its members’ union activities in a manner that is intended to undermine and weaken the Union’s status as the exclusive bargaining representative. Early resolution of this matter is crucial to repairing the extensive and long-lasting damage to labor relations and the collective bargaining relationship between the Parties that the University’s repeated unlawful acts have caused.

Given the University’s severe and pervasive attacks on the Union’s role as the exclusive bargaining representative, prompt resolution is also necessary to protect the rights of the Union to represent its members and of its members to be represented by the Union. Although the harm

Daniel Crossen  
Regional Attorney  
April 12, 2023  
Page 2

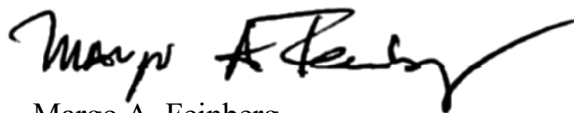
inflicted by the University's misconduct cannot be reversed, expedited review and resolution of this matter is necessary to stop further damage and to preserve the rights of the Union as the exclusive bargaining representative.

This case also presents important questions of law and policy regarding bargaining over these kind of touchstone issues at UC Berkeley and other public universities. It is no coincidence that the University has decided to engage in this kind of egregious conduct during bargaining over fee remissions, work intensity, and staffing in the EECS Department and Data Science. These terms and conditions have remained a top priority for the Union since the Parties' negotiated their first contract in 1999-2000. Given that bargaining over fee remission, work intensity, and staffing will continue to be a critical issue at UC Berkeley and all UC campuses and other public universities throughout the state of California, the benefits of expediting the resolution of these unfair labor practices extend far beyond the four corners of this matter. Absent speedy review and resolution, the University's gross misconduct and the deterioration in labor relations and the collective bargaining relationship between the Parties will take hold and become the established practice at UC Berkeley and other public universities.

We therefore respectfully request that PERB expedite the processing of this case at all divisions. Please do not hesitate to contact us if you have any questions.

Sincerely,

SCHWARTZ, STEINSAPIR, DOHRMANN  
& SOMMERS LLP

A handwritten signature in black ink, appearing to read "Margo A. Feinberg". The signature is fluid and cursive, with a long horizontal stroke at the end.

Margo A. Feinberg  
Alejandro Delgado

MAF:rr

## PROOF OF SERVICE

I declare that I am a resident of or employed in the County of \_\_\_\_\_,  
State of \_\_\_\_\_. I am over the age of 18 years. The name and address of my  
Residence or business is \_\_\_\_\_

On \_\_\_\_\_, I served the \_\_\_\_\_  
(Date) (Description of document(s))

\_\_\_\_\_ in Case No. \_\_\_\_\_  
(Description of document(s) continued) PERB Case No., if known)

on the parties listed below by (check the applicable method(s)):

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;

electronic service - I served a copy of the above-listed document(s) by  
transmitting via electronic mail (e-mail) or via e-PERB to the electronic service  
address(es) listed below on the date indicated. *(May be used only if the party  
being served has filed and served a notice consenting to electronic service or has  
electronically filed a document with the Board. See PERB Regulation 32140(b).)*

*(Include here the name, address and/or e-mail address of the Respondent and/or any other parties served.)*

I declare under penalty of perjury under the laws of the State of California that the  
foregoing is true and correct and that this declaration was executed on \_\_\_\_\_,  
(Date)  
at \_\_\_\_\_  
(City) (State)

*Rosa Randolph*  
(Signature)

(Type or print name)