



PERB
California Public Employment
Relations Board

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July 26, 2022

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California Teachers Association
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525 B Street, #2200
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Wendy Tucker, Attorney
Procopio, Cory, Hargreaves & Savitch LLP
525 B Street, Suite 2200
San Diego, CA 92101

Re: *High Tech Education Collective, CTA/NEA v. High Tech High*
Unfair Practice Charge No. LA-CE-6710-E
COMPLAINT

Dear Parties:

The Office of the General Counsel has issued the enclosed COMPLAINT in the above-entitled matter. The Respondent is required to file an **ANSWER** within twenty (20) calendar days from the date of service of the COMPLAINT, pursuant to PERB Regulation 32644.¹ The required contents of the **ANSWER** are described in PERB Regulation 32644(b).

If you have not filed a Notice of Appearance form, one should be completed and returned with your **ANSWER**. Please be aware that once legal counsel is designated, PERB will only correspond with that individual(s).

¹ PERB's Regulations are codified at California Code of Regulations, title 8, section 31001 et seq. The text of PERB's Regulations may be found at www.perb.ca.gov.

July 26, 2022

Page 2

An informal settlement conference will be scheduled shortly. Please direct all inquiries, filings and correspondence to the undersigned. Designated legal counsel who do not attend the Informal Conference for any reason, must designate in writing consent that the meeting go forward in their absence, including, but not limited to the execution of a settlement agreement.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Weiss", with a long horizontal stroke extending to the right.

Mary Weiss
Supervising Regional Attorney

MW

Enclosure

STATE OF CALIFORNIA
PUBLIC EMPLOYMENT RELATIONS BOARD



HIGH TECH EDUCATION COLLECTIVE,
CTA/NEA,

Charging Party,

v.

HIGH TECH HIGH,

Respondent.

Case No. LA-CE-6710-E

COMPLAINT

It having been charged by Charging Party that Respondent engaged in unfair practices in violation of Government Code section 3543.5, the General Counsel of the Public Employment Relations Board (PERB), pursuant to Government Code sections 3541.3(i) and 3541.5 and California Code of Regulations, title 8, section 32640, issues this COMPLAINT on behalf of PERB and ALLEGES:

1. Charging Party is an exclusive representative within the meaning of Government Code section 3540.1(e) of an appropriate unit of employees.
2. Respondent is a public school employer within the meaning of Government Code section 3540.1(k).

Unilateral Change Allegation

3. Before December 15, 2021, Respondent's policy was to pay bargaining unit members a monthly salary that was less than \$5,200.
4. On or about December 15, 2021, Respondent changed this policy by increasing the monthly salary of bargaining unit members to \$5,200 effective January 1, 2022, to be consistent with the state's exempt minimum salary threshold.
5. Respondent engaged in the conduct described in paragraph 4 without prior

notice to Charging Party and without having afforded Charging Party an opportunity to negotiate the decision to implement the change in policy and/or the effects of the change in policy.

6. By the acts and conduct described in paragraphs 4 and 5, Respondent failed and refused to bargain in good faith in violation of Government Code section 3543.5(c).

7. This conduct also interfered with the rights of bargaining unit employees to be represented by Charging Party in violation of Government Code section 3543.5(a).

8. This conduct also denied Charging Party its right to represent bargaining unit employees in violation of Government Code section 3543.5(b).

Unilateral Change Allegation

9. On or about December 10, 2021, during negotiations for a first contract, Respondent implemented a discretionary disciplinary policy for bargaining unit members that included the issuance of written warnings, in advance of reaching an agreement.

10. Respondent engaged in the conduct described in paragraph 9 without prior notice to Charging Party and without having afforded Charging Party an opportunity to negotiate the decision to implement the change in policy and/or the effects of the change in policy.

11. By the acts and conduct described in paragraphs 9 and 10, Respondent failed and refused to bargain in good faith in violation of Government Code section 3543.5(c).

12. This conduct also interfered with the rights of bargaining unit employees to be represented by Charging Party in violation of Government Code section 3543.5(a).

13. This conduct also denied Charging Party its right to represent bargaining unit employees in violation of Government Code section 3543.5(b).

Unilateral Change Allegation

14. Before December 15, 2021, Respondent did not have a policy regarding the use of educator effectiveness grant funding.

15. On or about December 15, 2021, Respondent implemented a policy to use educator effectiveness grant funding to pay bargaining unit members for training.

16. Respondent engaged in the conduct described in paragraph 15 without prior notice to Charging Party and without having afforded Charging Party an opportunity to negotiate the decision to implement the change in policy and/or the effects of the change in policy.

17. By the acts and conduct described in paragraphs 15 and 16, Respondent failed and refused to bargain in good faith in violation of Government Code section 3543.5(c).

18. This conduct also interfered with the rights of bargaining unit employees to be represented by Charging Party in violation of Government Code section 3543.5(a).

19. This conduct also denied Charging Party its right to represent bargaining unit employees in violation of Government Code section 3543.5(b).

Surface Bargaining Allegation

20. In or around November 2021 through April 2022, Respondent and Charging Party were meeting and negotiating pursuant to Government Code section 3543.3.

21. During this period of time, Respondent engaged in the following conduct:

- A. In or around November and December 2021, Respondent delayed in sunshining any proposals;

- B. In or around November and December 2021, Respondent delayed in scheduling an initial bargaining date;
- C. From January 2022 to April 2022, Respondent has constrained bargaining to only one 6-hour day and one 2.5-hour day per month, and provided only one day for March 2022;
- D. From January 2022 to April 2022, Respondent has refused to provide Charging Party with additional bargaining dates besides the two days per month described in subparagraph C of paragraph 21;
- E. As of April 2022, Respondent had not replied or made any counterproposal to Charging Party's wage proposal made on January 11, 2022; and
- F. During the February 23, 2022 bargaining session, Respondent indicated that it would not discuss wage rates until other subjects were resolved.

22. By the acts and conduct included in, but not limited to, those described in subparagraphs A through F of paragraph 21, as well as paragraphs 4, 9, and 15, Respondent failed and refused to meet and negotiate in good faith with Charging Party in violation of Government Code section 3543.5(c).

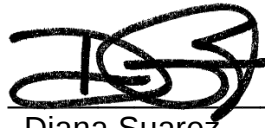
23. This conduct also interfered with the rights of bargaining unit employees to be represented by Charging Party in violation of Government Code section 3543.5(a).

24. This conduct also denied Charging Party its right to represent bargaining unit employees in violation of Government Code section 3543.5(b).

Any amendment to the complaint shall be processed pursuant to California
Code of Regulations, title 8, sections 32647 and 32648.

DATED: July 26, 2022

J. Felix De La Torre
General Counsel

By 

Diana Suarez
Regional Attorney

PROOF OF SERVICE

I declare that I am a resident of or employed in the County of Los Angeles, California. I am over the age of 18 years and not a party to the within entitled cause. The name and address of my residence or business is Public Employment Relations Board, Los Angeles Regional Office, 425 W. Broadway, Suite 400, Glendale, CA, 91204-1269.

On July 26, 2022, I served the Complaint and Cover Letter regarding Case No. LA-CE-6710-E on the parties listed below by

 I am personally and readily familiar with the business practice of the Public Employment Relations Board for collection and processing of correspondence for mailing with the United States Postal Service, and I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States Postal Service at Los Angeles, California.

 Personal delivery.

 X Electronic service (e-mail).

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I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on July 26, 2022, at Glendale, California.

Michael Friedlander

(Type or print name)



(Signature)