



STATE OF CALIFORNIA
PUBLIC EMPLOYMENT RELATIONS BOARD
UNFAIR PRACTICE CHARGE

DO NOT WRITE IN THIS SPACE:

Case No:

Date Filed:

INSTRUCTIONS: File this charge form via the e-PERB Portal, with proof of service. Parties exempt from using the e-PERB Portal may file the original charge in the appropriate PERB regional office (see PERB Regulation 32075), with proof of service attached. Proper filing includes concurrent service and proof of service of the charge as required by PERB Regulation 32615(c). All forms are available from the regional offices or PERB's website at www.perb.ca.gov. If more space is needed for any item on this form, attach additional sheets and number items.

IS THIS AN AMENDED CHARGE? YES ☐ If so, Case No. NO ☒

1. CHARGING PARTY: EMPLOYEE ☐ EMPLOYEE ORGANIZATION ☒ EMPLOYER ☐ PUBLIC¹ ☐

a. Full name: Teamsters Local 2010

b. Mailing address: 7730 Pardee Lane, Suite 2010, Oakland, CA 94621

c. Telephone number: (510) 845-2221

d. Name and title of person filing charge: Susan K. Garea, Attorney
Telephone number: (510) 625-9700

E-mail Address: sgarea@beesontayer.com

Fax No.: (510) 625-8275

e. Bargaining unit(s) involved: Unit 6 CSU Skilled Trade

2. CHARGE FILED AGAINST: (mark one only) EMPLOYEE ORGANIZATION ☐ EMPLOYER ☒

a. Full name: California State University

b. Mailing address: 401 Golden Shore, 4th Floor, Long Beach, CA 90802

c. Telephone number: (562) 951-4500

d. Name and title of agent to contact: Dawn S. Thedora, General Counsel
Telephone number: (562) 951-4500

E-mail Address: dtheodora@calstate.edu

Fax No.: (562) 951-4956

3. NAME OF EMPLOYER (Complete this section only if the charge is filed against an employee organization.)

a. Full name:

b. Mailing address:

4. APPOINTING POWER: (Complete this section only if the employer is the State of California. See Gov. Code, § 18524.)

a. Full name:

b. Mailing address:

c. Agent:

¹ An affected member of the public may only file a charge relating to an alleged public notice violation, pursuant to Government Code section 3523, 3547, 3547.5, or 3595, or Public Utilities Code section 99569.

5. GRIEVANCE PROCEDURE

Are the parties covered by an agreement containing a grievance procedure which ends in binding arbitration?

Yes ☐ No ☒

6. STATEMENT OF CHARGE

- a. The charging party hereby alleges that the above-named respondent is under the jurisdiction of: (check one)
- ☐ Educational Employment Relations Act (EERA) (Gov. Code, § 3540 et seq.)
- ☐ Ralph C. Dills Act (Gov. Code, § 3512 et seq.)
- ☒ Higher Education Employer-Employee Relations Act (HEERA) (Gov. Code, § 3560 et seq.)
- ☐ Meyers-Milias-Brown Act (MMBA) (Gov. Code, § 3500 et seq.)
- ☐ A Covered Public Utilities Code Transit Employer (BART (Pub. Util. Code, § 28848 et seq.), Orange County Transportation Authority (Pub. Util. Code, § 40000 et seq.), and supervisory employees of the Los Angeles County Metropolitan Transportation Authority (Pub. Util. Code, § 99560 et seq.)).
- ☐ Trial Court Employment Protection and Governance Act (Trial Court Act) (Article 3; Gov. Code, § 71630 – 71639.5)
- ☐ Trial Court Interpreter Employment and Labor Relations Act (Court Interpreter Act) (Gov. Code, § 71800 et seq.)
- b. The specific Government or Public Utilities Code section(s) or PERB regulation section(s) alleged to have been violated is/are:
- Government Code Sections 3565, 3571(a), (b)
- c. For MMBA, Trial Court Act and Court Interpreter Act cases, if applicable, the specific local rule(s) alleged to have been violated is/are **(a copy of the applicable local rule(s) MUST be attached to the charge):**
- d. Provide a clear and concise statement of the conduct alleged to constitute an unfair practice including, where known, the time and place of each instance of respondent's conduct, and the name and capacity of each person involved. This must be a statement of the facts that support your claim and *not conclusions of law*. A statement of the remedy sought must also be provided. *(Use and attach additional sheets of paper if necessary.)*

See attached

DECLARATION

I declare under penalty of perjury that I have read the above charge and that the statements herein are true and complete to the best of my knowledge and belief and that this declaration was executed on October 12, 2026

at Oakland, California (Date)

(City and State)

Susan K. Garea, Attorney

/s/ Susan K. Garea

(Type or Print Name)

(Signature)

Title, if any: Attorney

Mailing address: Beeson, Tayer & Bodine, 492 Ninth Street, Suite 350, Oakland, CA 94607

Telephone Number: 510-625-9700

E-Mail Address: sgarea@beesontayer.com

ATTACHMENT 6(d)
TO
UNFAIR PRACTICE CHARGE

Introduction

Charging Party, Teamsters Local 2010 (the “Union”), files this unfair practice charge against the Trustees of the California State University (the “University” or “CSU”) for interfering with the Union’s and employees rights under the Higher Employer-Employee Relations Act, (“HEERA,” Gov. Code § 3560 *et seq.*) by interfering with the Union and its members’ rights to engage in protected, concerted activity before CSU’s Board of Trustees.

Parties

1. At all times relevant herein, Teamsters Local 2010 (the “Union”) is a labor organization within the meaning of HEERA and is the exclusive representative of the statewide unit of skilled trades workers employed by the Trustees of the California State University (“Unit 6”).
2. At all times relevant herein, the Trustees of the California State University, (the “University” or “CSU”) is an employer within the meaning of HEERA.

Statement of Facts

3. Teamsters Local 2010 and CSU are engaged in successor collective bargaining with the CSU for the skilled trades bargaining unit (Unit 6).
4. On September 22, 2026, Teamsters Local 2010 and its members held a rally outside of the CSU’s Board of Trustees meeting regarding CSU’s bad faith bargaining and in support of the Union’s contract demands. CSU’s security directed Teamsters Local 2010 and its members to move and falsely stated that the Union was blocking ingress and egress.
5. On September 22, 2026, Teamsters Local 2010 members attempted to bring small 11x14 paper signs into CSU’s Board of Trustees meeting. CSU’s security confiscated those signs. The small signs did not contain any obscene or abusive language. CSU’s enforced its Code of Conduct policy to interfere with HEERA-protected activity. CSU’s Code of Conduct policy facially conflicts with HEERA.
6. On September 22, 2026, immediately following the Union activity, CSU’s Assistant Director, Employee/Labor Relations sent an email to Union Representative Michael Sherritt stating that the Union’s members in exercising their rights under HEERA “cannot disrupt CSU operations or prevent others from being heard” and to “remind” Teamsters Local 2010 of the Board of Trustees Code of Conduct. A true and correct copy of this email is attached hereto as **Exhibit A** and the Code of Conduct is attached hereto as **Exhibit B**.

Argument

7. HEERA gives higher education employees the right to form, join and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations and for the purpose of meeting and conferring. (Cal. Gov. Code 3565.) It is an unfair labor practice for a higher education employer to “Impose or threaten to impose reprisals on employees, to discriminate or threaten to discriminate against employees, or otherwise to interfere with, restrain, or coerce employees because of their exercise of rights guaranteed by this chapter.” (Cal. Gov. Code § 3571(a).) HEERA makes it an unfair labor practice for a higher education employer to “deny to employee organizations rights guaranteed to them” under HEERA. (Cal. Gov. Code § 3571(b).)
8. To establish a prima facie interference case, a charging party must show that an employer’s conduct tends to or does result in some harm to protected union and/or employee rights. (*Regents of the University of California* (2023) PERB Decision No. 2880-H, p. 7.) A charging party need not establish that the employer acted because of an unlawful motive. (*Id.*) If the union establishes a prima facie case, the burden shifts to the employer. (*Id.*) The degree of harm dictates the employer’s burden. (*Id.*) If the harm is “inherently destructive” of protected rights, the employer must show that the interference results from circumstances beyond its control and that no alternative course of action was available. (*Id.* at pp. 7-8.) For conduct that is not inherently destructive, the respondent may attempt to justify its actions based on operational necessity. (*Id.* at p. 8.) In such cases, PERB balances the asserted business need against the tendency to harm protected rights; if the tendency to harm outweighs the necessity, PERB finds a violation. (*Id.*) Within the category of actions or rules that are not inherently destructive, the stronger the tendency to harm, the greater is the respondent’s burden to show its business need was important and that it narrowly tailored its actions or rules to attain that purpose while limiting harm to protected rights as much as possible. (*Id.*)
9. HEERA protects most union and employee speech related to legitimate labor and employment concerns. (*Mount San Jacinto Community College District* (2023) PERB Decision No. 2865, p. 18 (San Jacinto); *Rancho Santiago Community College District* (1986) PERB Decision No. 602, p. 12 (Rancho Santiago).)

CSU’s Code of Conduct Interferes with Employees’ HEERA Rights

10. A facial challenge is based only on the text of the rule. (*Tobe v. City of Santa Ana* (1995) 9 Cal.4th 1069, 1084.) A facial challenge is an appropriate means to challenge an employer rule or policy that is alleged to have a chilling effect on employees or a union, or otherwise to interfere with or impinge on protected rights, even before being applied. (See, e.g., *Los Angeles County Federation of Labor v. County of Los Angeles* (1984) 160 Cal.App.3d 905, 908 (overbroad rule against striking has chilling effect, making facial challenge appropriate).) “Even where there is a plausibly valid interpretation of an employer rule, a facial challenge will still succeed if the rule has a chilling effect on employees or unions or otherwise interferes with or impinges on protected rights even

before being applied.” (*City and County of San Francisco* (2020) PERB Decision No. 2691-M, p. 49.)

11. The Board of Trustees Code of Conduct prohibits, “Banners, posters and large signs.” This prohibition strikes at the heart of the free-speech rights of employees under HEERA to raise their labor disputes to the Board of Trustees. CSU’s restriction on the use of signs must be: necessary for safe or efficient operations; and narrowly drawn to avoid overbroad, unnecessary interference with protected rights. (*Cf. County of San Joaquin* (2021) PERB Decision No. 2775-M, pp. 26-39 (applying this test to restriction on access).)
12. CSU cannot establish that its restrictions on signs is necessary for safe and efficient operations or “narrowly drawn.” The restriction is vague. It does not define the term “large.” PERB has repeatedly held that an employer’s promulgation or maintenance of a rule governing employee conduct may interfere with protected rights, if the rule’s ambiguity is reasonably susceptible to a broad interpretation that would chill protected activity. (*Los Angeles Community College District* (2014) PERB Decision No. 2404, p. 9; *Santee Elementary School District* (2006) PERB Decision No. 1822, p. 11.) In *Los Angeles Community College District*, PERB Decision No. 2404, PERB noted that “[i]n the area of employer rules and directives, PERB does not look favorably on broad, vague directives that might chill lawful speech or other protected conduct.” (*Id.* at p. 6, citing *State of California (Employment Development Department)* (2001) PERB Decision No. 1365a-S, p. 10.).)
13. By maintaining a Code of Conduct that broadly prohibits the use of “banners, posters or large signs” at the CSU Board of Trustees’ meetings, CSU has interfered with employees’ and Union rights under HEERA in violation of HEERA sections 3571(a) and (b).

CSU’s Confiscation of 11x14 Paper Signs Interfered with the Union and Employees’ HEERA Rights

14. On September 22, 2026, CSU confiscated from Union members 11x14 inch paper signs that they attempted to bring into the Board of Trustees meeting regarding the Union’s labor disputes with CSU.
15. CSU applied its Code of Conduct to interfere with employees’ HEERA rights. The Code of Conduct does not prohibit 11x14 inch paper signs. CSU deviated from its Code of Conduct and more harshly restricted speech rights regarding HEERA-protected speech than required by its policy.
16. The speech at issue here was not opprobrious or abusive in any way and there was no basis for losing its protection under HEERA.
17. In its enforcement of its Code of Conduct on September 22, 2206 CSU has interfered with employees’ and Union rights under HEERA in violation of HEERA sections 3571(a) and (b).

The Direction for Teamsters Local 2010 to Move its Rally Interfered with Union and Employees' HEERA Rights

18. Participating in union rallies is protected activity under HEERA.
19. CSU interfered with this protected activity on September 22, 2026, when its security officers directed Teamsters Local 2010 and its members to disperse.
20. This conduct tends to interfere with employees' HEERA-protected activity, because it is a specific directive to curtail engagement made by those purporting to hold law enforcement authority. This directive was not justified based on operational necessity because there was no blockage of ingress or egress. That claim was a pretext to shut down protected activity.
21. In its directive to Teamsters Local 2010 and its members to stop or move its rally, CSU has interfered with employees' and Union rights under HEERA in violation of HEERA sections 3571(a) and (b).

The Email to the Union in Response to Union Activity Interfered with Union and Employees' HEERA Rights

22. On September 22, 2026, immediately following the HEERA-protected activity of Teamsters Local 2010 and its members, including holding a rally outside of the Board of Trustees meeting and the attempt to bring in 11 x 14 inch paper signs in support of the Union, CSU's Assistant Director, Employee/Labor Relations sent an email stating that Teamsters Local 2010 and its members "cannot disrupt CSU operations or prevent others from being heard."
23. This is an overbroad directive that tends to chill HEERA-protected activity. In sending this directive, CSU has interfered with employees' and Union rights under HEERA in violation of HEERA sections 3571(a) and (b).

Remedy

WHEREFORE, the Charging Party seeks that the CSU be ordered to:

1. Cease and desist from interfering with employees' rights under HEERA;
2. Cease and desist from interfering with or denying Teamsters Local 2010 rights afforded to it under HEERA;
3. Rescind any restriction on carrying 11x14 signs with Union messages into the Board of Trustees meetings;
4. Train CSU's security personnel in HEERA rights, including the right to rally and carry 11 x 14 inch paper signs in support of a Union;

5. Rescind the September 22, 2026, email;
6. Post a notice (physically and electronically) informing all members of the bargaining unit of CSU's unlawful conduct, describing its actions to remedy the unlawful conduct, and assuring them that CSU will comply with its HEERA obligations in the future;
7. Have the Notice read by the CSU Board of Trustees;
8. Make the Union whole;
9. Comply with such other relief as PERB deems just and proper.

EXHIBIT A

From: "Meráz, Marques" <mmeraz@calstate.edu>
Date: September 22, 2026 at 10:11:23 AM PDT
To: Michael Sherritt <msherritt@teamsters2010.org>
Subject: Code of Conduct for Board of Trustees Meetings

Good Morning,

The CSU remains firmly committed to protecting freedom of expression and fostering an environment in which all members of our community may engage in robust discussion, debate, peaceful protest, and other expressive activity. These principles are fundamental to the mission of higher education. At the same time, the university has a responsibility to maintain an environment in which **everyone's** rights to free speech are honored and access to CSU programs and facilities can continue safely for everyone without material disruption. Thus, while we appreciate that you and your members wish to be heard and, yes, protest, it cannot be done in a manner that disrupts CSU operations or prevents others from being heard. Accordingly, the Chancellor's Office wants to remind Teamsters Local 2010 of the Code of Conduct that applies to attendees and participants in Board of Trustees meetings (<https://www.calstate.edu/csu-system/board-of-trustees/Documents/Code-of-Conduct-Flyer.pdf>).

If you have questions about the Code of Conduct or wish to coordinate proposed activity, please feel free to reach out to me directly.

Best,
Marques L. Meráz, JD
Assistant Director, Employee/Labor Relations

Direct: 562-951-4168
401 Golden Shore, Long Beach CA 90802

www.calstate.edu



The California State Un
OFFICE OF THE CHANCELLOR



EXHIBIT B

THE CALIFORNIA STATE UNIVERSITY CODE OF CONDUCT FOR BOARD OF TRUSTEES MEETINGS

As a public organization, the California State University is committed to maintaining a safe and comfortable atmosphere for attendees to observe and/or participate in meetings of the Board of Trustees. This creates a setting in which the university can conduct its business and is accessible to the public. Trained officers are present at each meeting to ensure the safety of employees and guests and to assist with operations. The California State University asks that all attendees observe the following code of conduct for Board of Trustees meetings:

- Visitors to the Chancellor's Office will be subject to a security screening and bag inspection before entering the facility. Please be advised that large bags, large backpacks, banners, posters and signs are not allowed in the Dumke Auditorium. Please see the list below for other prohibited items. Shirts and shoes are required to enter the facility.
- Please sit in the designated seating area in the Dumke Auditorium and comply with the following:
 - No smoking (including e-cigarettes)
 - No standing on chairs or railings
 - No public intoxication
 - No obscene or abusive language
 - No throwing objects
- Visitors are expected to maintain appropriate behavior at all times. Disorderly conduct or offensive language may be cause for removal from the Dumke Auditorium and the Chancellor's Office, or cause for arrest. Visitors must obey federal, state and local laws. Any violation of CSU policies or state/local laws may result in ejection, fines and/or prosecution.
- In the case of an emergency, visitors must comply with instructions from security staff regarding emergency response procedures.

PROHIBITED ITEMS

- Large bags and large backpacks. These can be checked in with security before admission and retrieved when leaving the meeting.
- Knives of any size (including small key ring penknives), razors and box cutters, or any similarly pointed objects or sticks. (Pens/pencils are permitted.)
- Guns, firearms or any other weapons, as well as toy guns, or replicas of firearms or weapons
- Highly flammable or explosive items
- Aerosol containers and non-aerosol sprays, including mace and pepper spray. (Assistive devices for asthma or other health-related conditions are permitted.)
- Chains, wallet chains, spiked jewelry/clothing
- Beverages or liquids
- Food of any kind, packaged or not
- Banners, posters and large signs
- Air horns, bullhorns or other noisemakers
- Beach balls or similar items (inflated or not)
- Pets (service animals are permitted)
- Skateboards, rollerblades or athletic equipment

LEGAL DISCLOSURE

THE CSU RESERVES THE RIGHT TO MODIFY THIS CODE OF CONDUCT AS APPROPRIATE TO ENSURE THE SAFETY AND SECURITY OF INDIVIDUALS AND THE ORDERLY OPERATIONS OF THE CHANCELLOR'S OFFICE.

PROOF OF SERVICE

I declare that I am a resident of or employed in the County of Alameda,
State of California. I am over the age of 18 years. The name and address of my
Residence or business is Beeson, Tayer & Bodine, 492 Ninth Street,
Suite 350, Oakland, California 94607

On October 12, 2026, I served the Unfair Practice Charge
(Date) (Description of document(s))

(Description of document(s) continued) in Case No. 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.)

Dawn S. Theodora

California State University

Email: dtheodora@calstate.edu

401 Golden Shore, 4th Floor

Long Beach, CA 90802

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 October 12, 2026,
(Date)

at Oakland CA
(City) (State)

Tanya Gatt, Legal Secretary

/s/ Tanya Gatt

(Type or print name)

(Signature)