

1 J. FELIX DE LA TORRE, Bar No. 204282
General Counsel
2 WENDI L. ROSS, Bar No. 141030
Deputy General Counsel
3 MARY WEISS, Bar No. 227600
Senior Regional Attorney
4 BLAIRE BAILY, Bar No. 287608
Regional Attorney
PUBLIC EMPLOYMENT RELATIONS BOARD
5 1031 18th Street
Sacramento, CA 95811-4174
6 Telephone: (916) 322-3198
Facsimile: (916) 327-6377
7 E-mail: PERBLitigation@perb.ca.gov

8 Attorneys for State of California,
PUBLIC EMPLOYMENT RELATIONS BOARD
9

10 IN THE SUPERIOR COURT FOR THE STATE OF CALIFORNIA
11 COUNTY OF LOS ANGELES

12 PUBLIC EMPLOYMENT RELATIONS
13 BOARD,

14 Plaintiff,

15 v.

16 ALLIANCE COLLEGE-READY PUBLIC
CHARTER SCHOOLS et al.

17 Defendants.

18 UNITED TEACHERS LOS ANGELES,

19 Real Party in Interest.
20
21
22
23

Case No.: BC598881

**ORDER GRANTING
TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW CAUSE
RE PRELIMINARY INJUNCTION**

Hon. Judge Keosian
Department 61

Ex Parte Hearing

Date: October 27, 2015

Time: 8:30 a.m.

Dept.: 85

Judge: Hon. Judge Chalfant

**Exempt from Fees
(Gov. Code, § 6103)**

24 Upon reading and considering the Ex Parte Application, supporting Declarations and
25 Points and Authorities on file in this action, the evidence submitted at the hearing, the oral
26 argument of the parties, and other pleadings and papers on file in this action, the Court finds that
27 Plaintiff Public Employment Relations Board (PERB or the Board) has demonstrated that the
28 applicable legal test (*Public Employment Relations Board v. Modesto City Schools District*

FILED
Superior Court of California
County of Los Angeles

OCT 29 2015

Sherri R. Carter, Executive Officer/Clerk

By Annette Fajardo Deputy
Annette Fajardo

1 (1982) 136 Cal.App.3d 881) has been met for purposes of a Temporary Restraining Order and an
2 Order to Show Cause regarding a Preliminary Injunction against Defendants Alliance College-
3 Ready Public Charter Schools, and all of {its/the} approximately 30 schools, including, but not
4 limited to, Alliance Susan & Eric Smidt Technology High School, Alliance Collins Family
5 College-Ready High School, Alliance Gertz-Ressler High School, Alliance Renee & Meyer
6 Luskin Academy High School, and Alliance Patti and Peter Neuwirth Leadership Academy
7 (Defendants).

8 **TEMPORARY RESTRAINING ORDER**

9 Accordingly, IT IS HEREBY ORDERED THAT:

10 1. The Defendants, their agents, employees, representatives, officers, and all
11 corporations, unincorporated associations, and natural persons acting in concert and participation
12 with any of them, until a hearing or trial on a preliminary injunction, are ordered as follows:

13 a. Defendants must meet with UTLA at a time and date to be agreed upon by
14 UTLA and Defendants;

15 b. Defendants must not ask certificated employees about their beliefs,
16 positions or intentions regarding unionization and/or collective bargaining
17 in violation of rights afforded to employee organizations and employees
18 under EERA;

19 c. ~~{Defendants must not engage in monitoring of employee contact with~~
20 ~~UTLA organizers, and}~~ Defendants' administrators must stay 100 feet
21 away from any UTLA organizer once the organizer is identified by the
22 administrator as such with the exception that an administrator may be
23 closer than 100 feet if there is a specific need concerning student safety;

24 d. Defendants must not coerce or threaten to impose reprisals against
25 certificated employees because of their exercise of rights under EERA in
26 violation of rights afforded to employee organizations and employees
27 under EERA;
28

- 1 e. Defendants must allow access to UTLA and its representatives to
2 Defendants' work sites during after-school hours in accordance with the
3 rights afforded to employee organizations and employees under EERA
4 ~~{and in the same manner and pursuant to the same guidelines under which~~
5 ~~Defendants allow access to work sites during after school hours to~~
6 ~~members of the public at large, including after school partners}~~; and
7 f. Defendants must not deny or block UTLA electronic mail (e-mail)
8 messages to certificated employees' work e-mail addresses in violation of
9 rights afforded to employee organizations and employees under EERA.
10 2. Further, the Defendants, their agents, employees, representatives, officers, and all
11 corporations, unincorporated associations, and natural persons acting in concert and participation
12 with any of them, until a hearing or trial on a preliminary injunction, are ordered immediately to
13 provide each of Defendants' certificated employees with notice of the actual terms of this
14 Temporary Restraining Order through all of the following means of communication: (1) through
15 an e-mail message to all certificated employees; and (2) through posted notices at all of
16 Defendants' school sites.

17 **ORDER TO SHOW CAUSE REGARDING A PRELIMINARY INJUNCTION**

18 Accordingly, IT IS HEREBY ORDERED THAT:

- 19 1. The Defendants, their agents, employees, representatives, officers, and all
20 corporations, unincorporated associations, and natural persons acting in concert and participation
21 with any of them, until a hearing or trial on a preliminary injunction, are ordered to show cause
22 as to why a preliminary injunction should not issue specifically enjoining and restraining
23 Defendants from:
24 a. refusing to meet with UTLA upon UTLA's request, to discuss matters of
25 concern in violation of rights afforded to employee organizations and
26 employees under EERA;
27 b. maintaining and sponsoring petitions on its website(s) or otherwise, that
28 solicit employee signatures that affirm opposition to unionization and/or

1 collective bargaining in violation of rights afforded to employee
2 organizations and employees under EERA;

3 c. polling certificated employees concerning their beliefs, positions or
4 intentions regarding unionization and/or collective bargaining in violation
5 of rights afforded to employee organizations and employees under EERA;

6 d. ~~{monitoring employee contact with UTLA organizers in violation of~~
7 ~~rights afforded to employee organizations and employees under EERA.}~~

8 Defendants' administrators must stay at least 100 feet away from any
9 organizer once the organizer is identified as such with the exception that
10 an administrator may be closer than 100 feet if there is a specific need
11 concerning student safety;

12 e. interfering with, restraining, coercing, imposing or threatening to impose
13 reprisals or discriminating against certificated employees because of their
14 exercise of rights under EERA in violation of rights afforded to employee
15 organizations and employees under EERA;

16 f. denying access to UTLA and its representatives to Defendants' work sites
17 during after-school hours in violation of rights afforded to employee
18 organizations and employees under EERA ~~{and in the same manner and~~
19 ~~pursuant to the same guidelines under which Defendants allow access to~~
20 ~~work sites during after-school hours to members of the public at large,~~
21 ~~including after-school partners};~~

22 g. denying or blocking UTLA electronic mail (e-mail) messages to
23 certificated employees' work e-mail addresses in violation of rights
24 afforded to employee organizations and employees under EERA; and

25 {h. discriminating and retaliating against teacher Albert Chu (Chu) because he
26 exercised rights under EERA in accordance with rights afforded to
27 employees under EERA.}

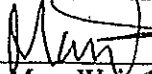
28 And requiring that Defendants provide each of Defendants' certificated employees with


1 notice of the actual terms of the Order resulting from the Order to Show Cause through all of the
2 following means of communication: (1) verbally at an employee assembly or assemblies; (2)
3 through an e-mail message to all certificated employees; and (3) posted notices at all of
4 Defendants' school sites, on each school's web page and on the Alliance College-Ready Public
5 Charter Schools home web pages, including but not limited to, www.laalliance.org and
6 www.ouralliancecommunity.com

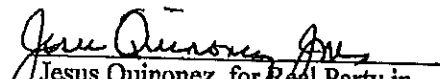
7 2. That Defendants appear before this Court in the courtroom of County of Los
8 Angeles, on November 17, 2015, at 1:30, p.m., then and there to show cause why a Preliminary
9 Injunction with a duration of at least ninety (90) days should not be issued.

10 3. The opposition papers must be filed and electronically served on PERB and
11 UTLA no later than November 9. A reply brief must be filed and electronically served on the
12 Defendants no later than November 12.


13
14 **APPROVED AS TO FORM:**

15 
16 Mary Weiss for the Public
17 Employment Relations Board

18 
19 Ronald Valenzuela for Defendants
20 Alliance College-Ready Public
Charter Schools et al.


Jesus Quinonez for Real Party in
Interest United Teachers Los
Angeles

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23 Dated: October 9, 2015

24 
25 HONORABLE JUDGE CHALFANT
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PUBLIC EMPLOYMENT RELATIONS BOARD

Los Angeles Regional Office
700 N. Central Ave., Suite 200
Glendale, CA 91203-3219
Telephone: (818) 551-2809
Fax: (818) 551-2820



October 28, 2015

Hon. Judge James C. Chalfant
Stanley Mosk Courthouse, Department 85
111 North Hill Street
Los Angeles, CA 90012

Re: *Public Employment Relations Board/United Teachers Los Angeles v. Alliance College-Ready Public Charter Schools*
Los Angeles Super. Ct. Case No. BC 598881
Unfair Practice Charge Nos. LA-CE-6025-E; LA-CE-6027-E; LA-CE-6061-E; and
LA-CE-6073-E
Proposed Order Granting TRO and OSC regarding Preliminary Injunction

Dear Hon. Judge Chalfant:

All three parties in this matter hereby submit for your review the attached Order. The parties have reached agreement on all of the language except for language shown in brackets. Unfortunately, despite the diligent efforts of all three parties to resolve the language, these four items remain in dispute:

TEMPORARY RESTRAINING ORDER

Page 2, line 3 {its/the} –Plaintiff Public Employment Relations Board (PERB) and Real Party in Interest United Teachers Los Angeles (UTLA) assert that “its” should remain as it was shown in the proposed order presented at the ex parte hearing because there was no discussion by your Honor or any party during the hearing that the description of Alliance College-Ready Public Charter Schools et al. (Defendants) should change. Defendants assert “its” should be changed to “the” because the term “its” inaccurately suggests that Defendant Alliance College-Ready Public Charter Schools owns the charter school defendants.

Page 2, lines 19-20 {Defendants must not engage in monitoring of employee contact with UTLA organizers, and} –PERB and UTLA assert that this sentence should remain as it was shown in the proposed order presented at the ex parte hearing because your Honor expressed disapproval of surveillance as too broad or vague but did not state monitoring should be removed. Defendants assert the line should be removed because they believe your Honor only wanted a stay away order, not also an order that administrators not monitor union activities.

Page 3, lines 4-6 {and in the same manner and pursuant to the same guidelines under which Defendants allow access to work sites during after-school hours to members of the public at large, including after-school partners} –PERB and UTLA assert that this

language was not part of the proposed order nor was such added language discussed by your Honor or the parties and there was no discussion that UTLA's statutory right to access public school facilities is the same access afforded to the public at large. Defendants assert the added language is appropriate because it would help the Defendant charter schools deal with UTLA visits, purely from an administrative standpoint, if UTLA follows the same general procedures as other campus visitors: advance notice, sign-in, etc. Defendants believe that it will prevent potential and unnecessary disputes over Defendants' compliance with the Temporary Restraining Order. Defendants further believe the addition is uncontroversial because it reflects a correct statement of the law, as interpreted in PERB decisions, at least with respect to elected bargaining representatives, and because UTLA counsel agreed with sign-in procedures during yesterday's hearing, quoting Mr. Quinonez, at lines 22-23, page 33, of the rough transcript, in support of their position. PERB and UTLA disagree with Defendants' legal assertion and proposed language because nothing in EERA section 3543.1(b) equates union access with the rights of access belonging to the public at large.

ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION

Page 4, lines 6-7 {Defendants must not engage in monitoring of employee contact with UTLA organizers, and} – SAME ISSUE AS PAGE 2, LINES 19-20 OF TRO.

Page 4, lines 18-21 {and in the same manner and pursuant to the same guidelines under which Defendants allow access to work sites during after-school hours to members of the public at large, including after-school partners} –SAME ISSUE AS PAGE 3, LINES 4-6 OF TRO.


Page 4, lines 25-27 {h. discriminating and retaliating against teacher Albert Chu (Chu) because he exercised rights under EERA in accordance with rights afforded to employees under EERA.} –PERB and UTLA assert that this sentence should remain because while it is clear that your Honor does not agree that the alleged retaliation against Mr. Chu is appropriate for the TRO, the chilling effect of the alleged retaliation, separate and apart from Mr. Chu's individual rights and remedies, remains in question and is appropriate for consideration in the OSC. Defendants quote your Honor, at lines 2-6 and 16-19, page 36, of the rough transcript, in support of their opposition to "h":

The Court: The Order to Show Cause I think will include everything that you have asked except I'm striking Paragraph 2 on Page 5. Under no circumstances would I order them as part of an injunction to restore Mr. Chu to his position. That is an issue not for injunctive relief, but for a lawsuit. Separate lawsuit.

There are remedies for Mr. Chu that are not really part of this lawsuit it seems to me. Okay, so I am going to issue the TRO on the terms stated and Order to Show Cause exactly as you have asked for except Mr. Chu.

The parties have reviewed this letter and all three agree that this letter fairly presents the parties' instant dispute over the Order. Therefore, we respectfully request that your Honor review the attached order and strike or keep language, particularly the disputed language shown in brackets, that reflects the Order your Honor rendered yesterday.

Sincerely,



Mary Weiss

Senior Regional Attorney

cc: Ronald Valenzuela, Attorney, Proskauer Rose, LLP
Jesus Quinonez, Attorney, Bush Gottlieb