

Judge dismisses unfair labor practice charges against Fresno County

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Fresno County officials dodged a potential \$100 million bullet when a state Public Employment Relations Board judge dismissed charges of bad-faith negotiating and unfair labor practice stemming from a 2011 dispute with the county's largest union.

County supervisors imposed unilateral 9% pay cuts in 2011, and the Service Employees International Union appealed to the state seeking more than three years back pay at 7% interest. That would've amounted to a county cost in the range of \$80 million to \$100 million, Supervisor Andreas Borgeas said.

Instead, Administrative Law Judge Shawn P. Cloughsey [dismissed the nearly dozen counts filed by the union](#). SEIU's membership can appeal his decision, issued Thursday, to a full Public Employment Relations Board panel.

In 2011, major goals for county officials were cutting salaries, changing retirement programs for certain workers and dealing with attendance and scheduling policies in certain departments. Cloughsey says "the parties were engaged in contentious hard-bargaining." Even though the negotiations were difficult, he says, they did not have "hallmarks of bad faith."

The union, which has about 4,700 members in Fresno County, rejected a proposal by the board of supervisors six months ago. The county has 7,259 employees.

SEIU officials have not decided whether to appeal.

"We will be reviewing the PERB proposed ruling and planning what our next steps will be," said Laura Basua, chapter president at large for SEIU Local 521. "Fresno County remains in a much better financial situation thanks in large part to contributions from SEIU members these past years."

She said ongoing contract discussions are proving "fruitful" and she is hopeful that supervisors will "make the right decision to provide relief to our members so that workers can rebuild and recover."

Supervisors were concerned about the outcome of SEIU's personnel board complaint after the Fresno County Prosecutors' Association won its case last year, appealing similar issues. Supervisors this month approved a contract for the prosecutors' association that gave the 100-member unit a 5% raise in early May and a 3% raise that begins in July 2016.

While chairman last year, Borgeas said negotiations with SEIU were a significant obstacle for the board. He hopes the state decision will be an incentive for SEIU members to approve a contract.

In October, Borgeas was disappointed when the union overwhelmingly rejected an offer of a 2% raise last November and another 3% in August. Under the terms of the rejected October agreement, the union had to withdraw its state employment relations board complaint.

Most recently, supervisors have been floating a 9% raise for SEIU members over three years.

Board Chairwoman Debbie Poochigian, who supported imposing the pay cuts, said she felt the board was on "solid footing."

Poochigian said the judge's ruling will give the board an opportunity to regroup.

"There is no question the county has been through some very difficult fiscal times," she said. "We are slowly coming out of it and we are prepared to slowly give raises but we are in no position to go overboard. The worst thing would be to make promises we can't keep and then have to look at layoffs and furloughs."

The board, Supervisor Henry R. Perea said, wants employees to be "made whole" from those 2011 pay cuts, which occurred as the county was facing a dire budgetary situation. Perea voted against the pay cuts in 2011, which passed on a 3-2 vote. Only Perea and Poochigian remain from the board that cast the 2011 vote.

"Our strategy is to restore employees to their previous pay," Perea said. "The only issue is the timing of the restoration."

The board's two newest members, Brian Pacheco and Buddy Mendes, who started in January, said the employment relations board decision could be an opportunity for a fresh start.

"It was a cloud hanging over negotiations," Pacheco said.

Both Pacheco and Mendes said the decision will not change their commitment to reach a settlement.

"There will be no gloating," Mendes said. "Let's try to get this resolved and move ahead."

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