



**Judicial Council of California**  
ADMINISTRATIVE OFFICE OF THE COURTS

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April 5, 2006

Hon. Rudy Bermúdez, Chair  
Assembly Budget Subcommittee No. 4  
State Capitol, Room 5135  
Sacramento, California 95814

Hon. Mike Machado, Chair  
Senate Budget Subcommittee No. 4  
State Capitol, Room 5066  
Sacramento, California 95814

Dear Assembly Member Bermúdez and Senator Machado:

As you know, the first set of negotiations between court interpreters and the trial court regional bargaining units began in 2005 under the Trial Court Interpreter Employment and Labor Relations Act. These negotiations were a first for both court interpreters and for the newly established model whereby the 58 trial courts are divided into four bargaining units. As is to be expected, the first negotiations were challenging and there were both substantive and process disagreements. Both sides worked diligently to reach what believe to be fair and equitable contracts. The Judicial Council and the courts are hopeful that the process will be smoother in the future and are committed to making that happen.

We understand from your staffs that there has been a request for information about judicial branch expenditures to defend unfair labor practice charges filed with the Public Employment Relations Board (PERB). We are happy to provide the following expenditure information to you and any other legislators. As you will see from the information below, many of the PERB charges that have been filed were dismissed prior to reaching the complaint stage at PERB.

The following information was compiled from the Administrative Office of the Courts' records. We believe the information is accurate and complete for the trial courts as a whole, with one caveat. The trial courts and interpreter bargaining units are not required to refer these matters to the AOC for handling, and we understand that in a few matters, a trial court or interpreter region has handled the matter without the AOC's assistance. The AOC can contact individual courts for expenditure information for future reports to the Legislature; however in an effort to provide you with initial information prior to budget hearings we have not taken that action.

In order to understand the expenditure information provided, the following is a brief description of the PERB process that may be helpful. First, either the union or an employee files a charge with PERB alleging some violation of labor law. The court or region may ask the AOC for assistance at the charge stage. If so, the charge would go to the AOC's Human Resources division for response. If the charge does not allege facts which, if true would be a violation of law, or is untimely, we would expect the charge to be dismissed by PERB (or it could be withdrawn by the union). If the charge alleges facts which would be a violation of law and is timely, PERB will issue a complaint (PERB does not evaluate any evidence or consider the merits of the charge in deciding whether to issue the complaint --- that happens later in the process). Once a complaint issues, at a region's or court's request, the AOC's Office of the General Counsel will then engage counsel to assist the court or region in responding to the complaint. Ultimately, if not settled or withdrawn by the union or employee, the complaint will likely proceed to a hearing before a PERB administrative law judge.

With that background, AOC records indicate the following. A total of 33 PERB charges have been filed by the unions or employees since the trial courts and interpreter regions came under PERB jurisdiction in August 2004.

Charges filed on behalf of court interpreters and their union:

- 24 PERB charges have been filed.
- 12 have been withdrawn or dismissed, 4 remain open at the charge level, and 8 moved to complaint.
- Of the 8 complaints, 7 have been settled, tentatively settled or withdrawn; 1 CWA complaint case remains open pending hearing.

Charges filed on or behalf of other court employees and their unions:

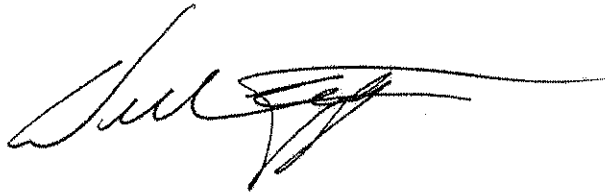
- 9 PERB charges have been filed.
- 1 was dismissed and 8 moved to complaint.
- Of the 8 complaints, 4 have been settled and dismissed or withdrawn, 4 remain open (1 case has gone to hearing).

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In terms of expenditures, in FY 04-05, AOC spent less than \$25,000 on outside counsel on PERB matters. For FY 05-06, AOC spent, through February, approximately \$90,000 on PERB matters. In addition two of the PERB matters have companion civil litigation (and are thus managed out of the litigation management program and a separate budget at a cost of about \$20,000). We estimate a total of approximately \$110,000 has been expended on PERB related matters.

We hope this information is helpful in your deliberations. We are happy to work with you and your staff to respond appropriately to any request for information currently and in the future.

Sincerely,



William C. Vickrey  
Administrative Director of the Courts

WCV/SC

cc: Subcommittee Members

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