



**STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD**

TATYANA OROZCO,

Charging Party,

v.

SERVICE EMPLOYEES INTERNATIONAL
UNION LOCAL 1021,

Respondent.

Case No. SF-CO-543-M

PERB Decision No. 2948-M

March 19, 2025

Appearances: Tatyana Orozco, on her own behalf; Weinberg, Roger & Rosenfeld by Kerianne R. Steele, Attorney, for Service Employees International Union Local 1021.

Before Krantz, Paulson, and Krausse, Members.

DECISION

KRANTZ, Member: This case is before the Public Employment Relations Board (PERB or Board) on an appeal by Charging Party Tatyana Orozco from a dismissal issued by PERB's Office of the General Counsel (OGC). Orozco's unfair practice charge, as amended, alleges that Respondent Service Employees International Union Local 1021 (SEIU) breached its duty of fair representation and thereby violated the Meyers-Milias-Brown Act (MMBA).¹ The charge centers primarily on the fact that SEIU declined to pursue a grievance to arbitration after Orozco's employer, Alameda Health System, discharged her in 2012.

¹ The MMBA is codified at Government Code section 3500 et seq.

After reviewing Orozco's charge and SEIU's response, OGC issued Orozco a warning letter. The warning letter indicated that Orozco: (1) failed to file her charge within the applicable statute of limitations; (2) did not state a prima facie case for breach of the duty of fair representation; and (3) raised certain allegations that fall outside of PERB's jurisdiction. Furthermore, the warning letter noted that Orozco's claims overlap with claims she alleged in a 2019 unfair practice charge against SEIU. OGC dismissed that charge, the Board affirmed the dismissal, and Orozco did not appeal the Board's final decision. The warning letter then noted that Orozco's claims also overlap with claims she alleged in a 2021 unfair practice charge against SEIU. Orozco did not appeal that dismissal, and it therefore became final. Finally, the warning letter afforded Orozco an opportunity to amend her charge and thereby attempt to cure its deficiencies.

Orozco filed an amended charge, and SEIU responded. OGC found that Orozco had not cured the deficiencies set forth in the warning letter. Accordingly, OGC dismissed Orozco's amended charge. This appeal ensued.

In resolving an appeal from a dismissal, we review OGC's decision de novo. (*City and County of San Francisco* (2020) PERB Decision No. 2712-M, p. 2.) Having reviewed the parties' arguments and the entire record, we find that Orozco failed to file her charge within the statute of limitations and did not state a prima facie case of any MMBA violation. We therefore affirm the dismissal. Moreover, we note that by filing repeated charges that relitigate issues lost in prior cases, as here, a charging party can cause a respondent to divert critical resources toward defending against frivolous litigation. For this reason, as we have done under similar circumstances in the past,

we direct that in any PERB case initiated by Orozco, the respondent may refrain from responding to Orozco's filings unless and until PERB directs otherwise. (See, e.g., *Los Rios Community College District and Los Rios College Federation of Teachers, Local 2279* (2018) PERB Decision No. 2614, p. 6.)

ORDER

The amended unfair practice charge in Case No. SF-CO-543-M is DISMISSED WITHOUT LEAVE TO AMEND.

Members Paulson and Krausse joined in this Decision.