



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

REGENTS OF THE UNIVERSITY OF
CALIFORNIA,

Employer,

and

UNIVERSITY PROFESSIONAL AND
TECHNICAL EMPLOYEES,
COMMUNICATION WORKERS OF
AMERICA LOCAL 9119,

Petitioner,

and

STUDENT SERVICES AND ADVISING
PROFESSIONALS – UNITED AUTO
WORKERS,

Interested Party.

Case No. SF-UM-930-H

Request for Reconsideration
PERB Order No. Ad-530-H

PERB Order No. Ad-530a-H

August 29, 2025

Appearances: Leonard Carder by Emily M. Maglio and Hugh Schlesinger, Attorneys, for University Professional and Technical Employees, Communication Workers of America Local 9119; Schwartz, Steinsapir, Dohrmann & Sommers by Margo Feinberg and Thomas Marren, Attorneys, for Student Services and Advising Professionals – United Auto Workers.

Before Banks, Chair; Krantz and Krausse, Members.

DECISION

KRANTZ, Member: This case is before the Public Employment Relations Board (PERB or Board) on a request by Interested Party Student Services and Advising Professionals – United Auto Workers (UAW) to reconsider our decision in *Regents of*

the University of California (2025) PERB Order No. Ad-530-H (*Regents*). There, we directed that if Petitioner University Professional and Technical Employees, Communication Workers of America Local 9119 (UPTE) “wishes to continue pursuing” the unit modification petition it filed in this case on April 10, 2025,¹ “it must file an amendment excluding Health Educators who serve students.” (*Id.* at p. 14.)

On July 21, UPTE amended its petition. However, instead of excluding Health Educators who serve students, UPTE amended its petition to exclude “employees working out of any University campus health and wellness promotions office.”

On July 22, the University of California (UC or University) wrote to the Office of the General Counsel (OGC), stating in relevant part:

“The University is informed and believes that some Health Educators are employed by UC medical center locations but do not serve patients. Similarly, some Health Educators are employed by campus locations but do not primarily serve students. Moreover, some Health Educators are employed by campus locations as part of medical schools but work at medical center locations. PERB’s order does not explain the appropriate placement of these employees.”

On August 4, UAW filed its request for reconsideration. UAW acknowledged that *Los Angeles County Metropolitan Transportation Authority* (2024) PERB Decision No. 2916a-T (*LA Metro*) precludes a party from requesting reconsideration of a Board decision where the determination under review was not based on a record created via an evidentiary hearing. (*Id.* at pp. 3-9.) However, UAW argued that this principle should not apply to this case based on certain distinctions, or in the alternative “a change in law is justified.” Substantively, UAW: (1) argued that *Regents* was wrongly

¹ All further dates refer to 2025.

decided; (2) noted that “UPTE’s amended petition is plainly inconsistent with” *Regents*; and (3) noted the University’s July 22 letter.

We agree that UPTE’s amended petition is inconsistent with *Regents* in that it focuses on where Health Educators work rather than what function they serve, but OGC will no doubt address that error by requiring UPTE to exclude all Health Educators who serve UC students, irrespective of where they work. If certain Health Educators serve neither UC students nor patients at UC medical centers, OGC will address that circumstance in the first instance, as part of continued case processing. Finally, we have considered UAW’s arguments as to why we should adjust or apply precedent in a manner that would allow reconsideration in this case, but we find no cause to do so.²

ORDER

The request by Interested Party Student Services and Advising Professionals – United Auto Workers to reconsider the Public Employment Relations Board’s decision in *Regents of the University of California* (2025) PERB Order No. Ad-530-H is DENIED.

Chair Banks and Member Krausse joined in this Decision.

² Moreover, when a reconsideration request is inconsistent with *LA Metro, supra*, PERB Decision No. 2916a-T, there is no need to wait for other parties to respond. In the future, PERB’s Appeals Office is authorized to dismiss such errant requests by letter, while notifying the requesting party of its right to appeal the dismissal to the Board itself.