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SANTA BARBARA • SANTA CRUZ

OFFICE OF THE ASSOCIATE VICE PRESIDENT
HUMAN RESOURCES AND BENEFITS

OFFICE OF THE PRESIDENT
300 Lakeside Drive
Oakland, CA 94612-3550

August 5, 2008

Ms. Beth Kean
California Nurses Association
2000 Franklin Street
Suite 300
Oakland, CA 94612

Dear Beth,

At our bargaining session on July 30, 2008, CNA brought a number of individuals to the meeting who were not on the nurses' bargaining team. When I asked that everyone present sign the sign-in sheet, you refused and only would allow the bargaining team and CNA paid staff to sign in. We took a break and when we reconvened I tried to explain the reasons why UC wanted to continue the parties' longstanding practice of using sign-in sheets for all attendees at bargaining sessions. Unfortunately, you repeatedly interrupted me and so we ended the meeting.

For many years, UC and CNA have used sign-in sheets to identify who has been at each bargaining session. CNA never before raised any issue with UC's use of sign-in sheets for all attendees at bargaining sessions. There are many good reasons why the University wants to continue this practice. The sign in sheet enables the parties to keep an accurate record of bargaining and allows for verification of attendance.

Also, the University is interested identifying attendees at bargaining sessions because of the importance of maintaining the confidentiality of the bargaining process. HEERA protects the confidentiality of the process, requiring that bargaining sessions be closed to third parties unless the parties mutually agree otherwise. (Government Code sections 3596, 3597) A confidential process allows for the free exchange of information and ideas that is necessary for successful bargaining. In fact, it is an unfair practice for one party to insist on the presence of third parties at negotiations over the objection of the other party. (*Ross School Dist.* (1978) PERB Dec. No. 48.) UC does not agree to open bargaining to the public and the identification of attendees at each session therefore is important for that reason as well.

I hope that CNA will reconsider its refusal to use a sign-in sheet. An alternative I had hoped to suggest at our last meeting, but did not have an opportunity to raise, was to have each person identify himself or herself for the record in lieu of a sign-in sheet. Please advise me before our next session on August 11 about CNA's position on this matter.

UC is very interested in bargaining with CNA in good faith and reaching an agreement on all open items in a prompt manner. I hope and trust that CNA has the same interest and will work with me to that end. I look forward to our next meeting.

Sincerely,

A handwritten signature in cursive script that reads "Gayle Saxton".

Gayle Saxton

cc: Management Bargaining Team - NX
Executive Director Pripas