



**STATE OF CALIFORNIA  
PUBLIC EMPLOYMENT RELATIONS BOARD  
UNFAIR PRACTICE CHARGE**

DO NOT WRITE IN THIS SPACE: Case No.: Tracking No.: 9677Y497L462 Date Filed: 7/27/2011 8:47:59A

INSTRUCTIONS: File the original and one copy of this charge form with proof of service attached to each copy in the appropriate PERB regional office (see PERB regulation 32075). Proper filing includes concurrent service and proof of service of the charge as required by PERB regulation 32615(c). All forms are available from the regional offices or PERB's website at www.perb.ca.gov. If more space is needed for any item on this form, attach additional sheets and number items.

IS THIS AN AMENDED CHARGE? YES  NO  If yes, Case Number:

1. CHARGING PARTY: EMPLOYEE  EMPLOYEE ORGANIZATION  EMPLOYER

a. Full name:  
MARIAM NOUJAIM  
b. Mailing Address:  
6171 WINDLESTRAW ROAD  
PLACERVILLE, CA 95667  
c. Telephone number:  
(916)-834-8916  
d. Name, title, and telephone number of person filing charge:  
STEVEN B. BASSOFF, ATTORNEY, (916)-448-7317  
e. Bargaining unit(s) involved:  
STATE BARGAINING UNIT 1

2. CHARGE FILED AGAINST: (mark only one) EMPLOYEE ORGANIZATION  EMPLOYER

a. Full name:  
SEIU LOCAL 1000  
b. Mailing Address:  
1808 14TH STREET  
SACRAMENTO, CA 95811  
c. Telephone number:  
(916)-554-1200  
d. Name, title, and telephone number of agent to contact:  
YVONNE WALKER, PRESIDENT, (916)-554-1200

3. NAME OF EMPLOYER (Complete this section only if the charge is filed against an employee organization.)

a. Full name:  
CALIFORNIA DMV  
b. Mailing Address:  
2120 BROADWAY  
SACRAMENTO, CA 95818

4. APPOINTING POWER: (Complete this section only if the employer is the State of California. See Government Code section 18524.)

a. Full name:  
  
b. Mailing Address:  
  
c. Agent:

SEE REVERSE SIDE

**5. GRIEVANCE PROCEDURE**

Are the parties covered by an agreement containing a grievance procedure which ends in binding arbitration?

Yes  No

**6. STATEMENT OF CHARGE**

- Educational Employment Relations Act (EERA) (Gov. Code sec. 3540 et seq.)
- Ralph C. Dills Act (Gov. Code sec. 3512 et seq.)
- Higher Education Employer-Employee Relations Act (HEERA) (Gov. Code sec. 3560 et seq.)
- Meyers-Milias-Brown Act (MMBA) (Gov. Code sec. 3500 et seq.)
- Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act (TEERA) (Pub. Utilities Code sec. 99560 et seq.)
- Trial Court Employment Protection and Governance Act (Trial Court Act) (Article 3; Gov. Code sec. 71630 – 71639.5)
- Trial Court Interpreter Employment and Labor Relations Act (Court Interpreter Act) (Gov. Code sec. 71800 et seq.)

b. The specific Government or Public Utilities Code section(s), or PERB regulation section(s) alleged to have been violated is/are:

**Government Code section 3519.5 (b)**

c. For MMBA, Trial Court Act and Court Interpreter Act cases, if applicable, the specific local rule(s) alleged to have been violated is/are (a copy of the applicable local rule(s) MUST be attached to the charge):

d. Provide a clear and concise statement of the conduct alleged to constitute an unfair practice including, where known, the time and place of each instance of respondent's conduct, and the name and capacity of each person involved. This must be a statement of the facts that support your claim and not conclusions of law. A statement of the remedy sought must also be provided. *(Use and attach additional sheets of paper if necessary.)*

**SEE ATTACHED**

**DECLARATION**

I declare under penalty of perjury that I have read the above charge and that the statements herein are true and complete to the best of my knowledge

and belief and that this declaration was executed on JULY 27, 2011 at SACRAMENTO, CALIFORNIA.

(Type or Print Name)

(Signature)

Title, if any: **ATTORNEY**

Mailing address:

**1220 S STREET, SUITE 100  
SACRAMENTO, CA 95811**

Telephone Number: **(916)-448-7317**

Mariam Noujaim is a member of SEIU Local 1000. SEIU Local 1000 held elections for Statewide Officers in May 2011. The elections were conducted by mail. The election instructions provided that:

**Use a black pen only, TO BE VALID, your name must be SIGNED on the back of the attached return envelope in the designated location.**

**Ballots must be received at the election office, 1337 Howe Avenue, Ste. 250, Sacramento, CA. 95825 through the U.S. Postal Service by 5:00 P.M., Friday, May 20, 2011.**

The ballots will be opened May 20, 2011 at 1321 Howe Avenue, Ste. 200, Sacramento, CA. 95825 beginning at 1:00 P.M., and observers are welcome.

Ballots will be counted on May 21-22, 2011 at 1321 Howe Avenue, Ste. 200, Sacramento, CA. 95825, beginning at 9:00 A.M. and observers are welcome.

The election protest period begins on May 31, 2011

Results of protest committee's findings will be mailed to all parties on June 25, 2011

On May 20, 2011, Noujaim went to 1321 Howe Avenue, Ste. 200, Sacramento, CA 95825 to observe the opening of the election ballots. While observing this she noted that a number of the envelopes that were being opened did not post marked by the U.S. Postal Service. Noujaim inquired about the fact that the ballots were not post marked. The election official did not deny the fact that a number of ballots being opened were not post marked. He told Noujaim to "go ask SEIU." A woman who was representing SEIU Local 1000 then ordered Noujaim to leave the observation area. She was then pushed out and the door locked. She was prohibited from observing the opening of the election ballots by SEIU Local 1000 representatives.

Noujaim filed an election protest on June 6, 2011. To date, SEIU Local 1000 has not responded to her protest despite the fact the protest results were to be mailed on June 25, 2011.

By prohibiting Noujaim from observing the SEIU Local 1000 ballot openings and failing to respond to her election protest, SEIU Local 1000 denied Noujaim her right as a union member to observe the opening of the election ballots and object to the procedures used thus depriving her and interfering with her rights under the Dills Act to participate in union activities. Noujaim requests that the election results be set aside because they were not obtained pursuant to the information provided to Noujaim and all SEIU Local 1000 members.

**PROOF OF SERVICE**

I declare that I am a resident of or employed in the County of SACRAMENTO, State of CALIFORNIA. I am over the age of 18 years and not a party to the within entitled cause. The name and address of my residence or business is:

1220 S STREET, SUITE 100  
SACRAMENTO, CA 95811

On JULY 27, 2011, I served the UNFAIR PRACTICE CHARGE on the parties at the addresses or fax number listed below:

YVONNE WALKER, PRESIDENT  
SEIU LOCAL 1000  
1808 14TH STREET, SACRAMENTO, CA 95811

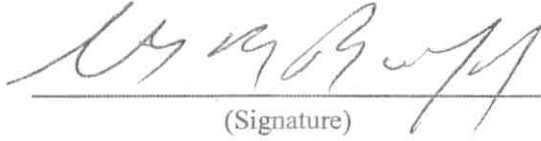
by (check the applicable method or methods):

- Placing a true copy thereof enclosed in a sealed envelope for collection and delivery by the United States Postal Service or private delivery service following ordinary business practices with postage or other costs prepaid.
- Personal delivery.
- Facsimile transmission in accordance with the requirements of PERB Regulations 32090 and 32135(d).

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on JULY 27, 2011, at (City and State where executed) SACRAMENTO, CA 95811.

STEVEN B. BASSOFF

(Type or print name)

A handwritten signature in black ink, appearing to read 'S. Bassoff', written over a horizontal line.

(Signature)