

1 Michelle L. Cannon, SBN 172680
Sinead M. McDonough, SBN 345576

2 **LOZANO SMITH**
3 One Capitol Mall, Suite 640
Sacramento, CA 95814
4 Telephone: (916) 329-7433
Fax: (916) 329-9050

5 Attorneys for Respondent
ROCKLIN UNIFIED SCHOOL DISTRICT

8 STATE OF CALIFORNIA

9 PUBLIC EMPLOYMENT RELATIONS BOARD

11 ROCKLIN TEACHERS PROFESSIONAL
ASSOCIATION,

12 Petitioner,

13 vs.

15 ROCKLIN UNIFIED SCHOOL DISTRICT,

16 Respondent.

Case No. SA-CE-3136-E

**ROCKLIN UNIFIED SCHOOL DISTRICT'S
ANSWER TO PERB COMPLAINT**

18 The Respondent ROCKLIN UNIFIED SCHOOL DISTRICT (“District”), located at 2615 Sierra
19 Meadows Drive, Rocklin, California, 95677, is represented in this matter by Michelle L. Cannon of
20 LOZANO SMITH, One Capitol Mall, Suite 640, Sacramento, CA, 95814, telephone number (916) 329-
21 7433.

22 The District hereby responds to and answers the Complaint issued by the Public Employment
23 Relations Board (“PERB”) in the above-referenced matter, and files the following ANSWER, pursuant
24 to California Code of Regulations, title 8, section 32644:

25 1. In answer to paragraph 1, District admits it is a public school employer within the
26 meaning of Government Code section 3540.1, subdivision (k).

27 2. In answer to paragraph 2, District admits that ROCKLIN TEACHERS PROFESSIONAL
28

1 ASSOCIATION, (“Charging Party”) is an exclusive representative within the meaning of Government
2 Code section 3540.1, subdivision (e), of a unit of certificated employees.

3 3. In answer to paragraph 3, District denies all allegations contained therein.

4 4. In answer to paragraph 4, District denies all allegations contained therein.

5 5. In answer to paragraph 5, District denies all allegations contained therein.

6 6. In answer to paragraph 6, District denies all allegations contained therein.

7 7. In answer to paragraph 7, District denies all allegations contained therein.

8 8. In answer to paragraph 8, District denies all allegations contained therein.

9 **AFFIRMATIVE DEFENSES**

10 **FIRST AFFIRMATIVE DEFENSE**

11 9. Charging Party and the Complaint fail to allege facts to state a cause of action against
12 District for which any relief may be granted under the Educational Employment Relations Act
13 (“EERA”). Specifically, Charging Party and the Complaint fail to state facts establishing the essential
14 elements of any claimed or potential violation(s) of Government Code sections 3543.5(a), (b), (c), or (d).

15 **SECOND AFFIRMATIVE DEFENSE**

16 10. The Charging Party and the Complaint fail to allege any wrongdoing by the District, as
17 the District’s conduct was, at all times, based upon, consistent with, and permitted by law.

18 **THIRD AFFIRMATIVE DEFENSE**

19 11. District’s actions were within its managerial prerogative, justified by business necessity
20 or were otherwise lawful under the EERA.

21 **FOURTH AFFIRMATIVE DEFENSE**

22 12. The Charging Party has failed and refused to bargain the impacts with the District and
23 engaged in bad faith bargaining in violation of the EERA and thus the Complaint is barred by the
24 doctrine of waiver, unclean hands and estoppel.

25 **FIFTH AFFIRMATIVE DEFENSE**


26 13. The remedies sought by the Charging Party, all or in part, are improper and/or not
27 permitted by law.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

VERIFICATION

I, Roger Stock, of the Rocklin Unified School District (“District”), have read the District’s Answer to the Complaint in the above-referenced matter and I am familiar with the contents thereof. I verify that the contents of the Answer, prepared largely from information available to the District or documents in the possession of the District, are true according to the best knowledge, information and belief available to the District.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Rocklin, California, on October 30, 2023.



Roger Stock, Superintendent
Rocklin Unified School District

PROOF OF SERVICE

I, **Angelique Toro**, am employed in the County of Sacramento, State of California. I am over the age of eighteen years and not a party to the within entitled cause; my business address is: One Capitol Mall, Suite 640, Sacramento, CA 95814. My email address is atoro@lozanosmith.com.

On October 31, 2023, I served the attached: **ROCKLIN UNIFIED SCHOOL DISTRICT’S ANSWER TO PERB COMPLAINT; UPC No. SA-CE-3136-E** on the interested parties in said cause, by placing a true copy thereof enclosed in a sealed envelope addressed as follows and I caused delivery to be made by the mode of service indicated below:

[X] **(By Electronic Filing Service Provider)** By transmitting a true and correct copy thereof by electronic filing service provider (EFSP), Public Employment Relations Board Secure E-file System, to the interested parties or their attorney of record to said action at the e-mail addresses of record and contained within the relevant EFSP database. I did not receive, within a reasonable time after the transmission, any electronic message or other indication from the EFSP that the transmission was unsuccessful.

Public Employment Relations Board
Sacramento Regional Office
Secure E-File System: PERBe-file.SRO@perb.ca.gov

[X] **(By Electronic Mail)** on all parties in said action by transmitting a true and correct to the persons at the email addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

[X] **(Regular U.S. Mail)** on all parties in said action in accordance with Code of Civil Procedure Section 1013, by placing a true and correct copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth above, at Lozano Smith, which mail placed in that designated area is given the correct amount of postage and is deposited at the Post Office that same day, in the ordinary course of business, in a United States mailbox in the County of Sacramento.

Brian Schmidt, Staff Attorney
California Teachers Association
1705 Murchison Drive
Burlingame, CA 94010
Email: bschmidt@cta.org

Brendan P. White, Senior Regional Attorney
Public Employment Relations Board
Sacramento Regional Office
1031 18th Street
Sacramento, CA 95811-4124
Email: Brendan.White@perb.ca.gov

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on October 31, 2023, at Sacramento, California.

Angelique Toro

Angelique Toro