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UNIVERSITY OF SOUTHERN CALIFORNIA

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 31

SERVICE EMPLOYEES
INTERNATIONAL UNION, LOCAL 721,

Petitioner,

and

UNIVERSITY OF SOUTHERN
CALIFORNIA,

Employer.

CASE NOS. 31-RC-164868 and 31-RC-164864

**USC'S MOTION TO REOPEN
THE RECORD AND FOR
RECONSIDERATION; POINTS AND
AUTHORITIES IN SUPPORT THEREOF**

MOTION

Pursuant to Section 102.65(e) of the Board's Rules and Regulations, the University of Southern California ("USC") hereby moves (1) to reopen Case Nos. 31-RC-164868 and 31-RC-164864 to receive new evidence, and (2) for reconsideration of the Regional Director's December 24, 2015 Decision and Direction of Election in light thereof.

Extraordinary circumstances justify re-opening the hearing. The Union witness on whom the Regional Director relied in deciding that USC's non-tenure-track faculty do not decide matters of significance with regard to University curriculum --- Professor Kate Levin --- recently testified to the exact opposite. Because decision-making over academic programs is a primary area of decision-making under *Pacific Lutheran Univ. & SEIU, Local 925*, 2014 NLRB LEXIS 1002 (N.L.R.B. Dec. 16, 2014), her new testimony is powerful evidence of managerial status. Professor Levin's post-election testimony (the relevant transcript pages of which are attached hereto) should be admitted into the record. This new testimony should lead the Regional Director to conclude that USC's non-tenure-track faculty, like all USC faculty, are managerial. Indeed, it is now clearer than ever that no question of representation exists in either of the two cases.

This motion is timely. Professor Levin's new testimony only came out at the post-election hearing (February 23-25, 2016). This new evidence was not available to USC at the time of the pre-election hearing. If this motion to re-open the record is not granted, USC will be unfairly prejudiced.

POINTS AND AUTHORITIES IN SUPPORT

At issue in the pre-election hearing was whether USC's non-tenure-track faculty make decisions as to matters of significance in the five key areas identified by the Board in *Pacific Lutheran*. USC presented robust evidence that all of its faculty --- tenured, tenure-track, and non-tenure-track alike --- participate in its shared faculty governance system of University-wide faculty committees. Through those committees, faculty members make decisions on University policy in **all five Pacific Lutheran** areas: academic programs, enrollment management, finances, academic policy, and personnel decisions.

The SEIU contended that the work of non-tenure-track faculty in the area of academic programs is merely technical and clerical, not substantive decision-making. The SEIU relied on the testimony of Professor Kate Levin, a non-tenure-track faculty member who sits on a subcommittee of the University Committee on Curriculum (UCOC). She testified:

- “The work of [the UCOC] -- yeah, you know, mostly **we’re kind of reviewing these [course] proposals for kind of technical and clerical matters.**” Pre-Election Tr. 669:16-21 (emphasis added).¹
- “**I wasn’t providing substantive feedback [on courses]. . . . I’ve never made any substantive decisions that have, you know, asked me to draw on any real judgment.**” Pre-Election Tr. 665:2-20 (emphasis added).
- “[T]he nature of the [UCOC’s] work is to make sure, you know, things like there are enough contact hours between professors and students, to make sure that the credits, you know, of the course match the contact hours, to make sure that, you know, the prerequisites of a given course match up with the specifications in the curriculum handbook, that sort of thing.” Pre-Election Tr. 663:13-664:1.

¹ All cited testimony from the pre-election hearing is attached to this Motion as **Exhibit A**, and cited as “Pre-Election Tr. [page]:[line].” All cited testimony from the *post*-election hearing is attached as **Exhibit B**, and cited as “Post-Election Tr. [page]:[line].”

The SEIU urged the Regional Director to rely on this testimony, which was the only evidence it offered as to the UCOC, citing it in the briefing and arguing “that members of the UCOC exercise decision-making authority similar to that of clerical staff, not the professional expertise which is indispensable to the formulation and implementation of academic policy.” SEIU Brief at p. 38 (quoting *NLRB v. Yeshiva University*, 444 US 672, 689 (1980)).

The Regional Director *did* rely on Professor Levin --- finding that “[t]he role of the UCOC subcommittees seems to be simply to verify that the proposals meet pre-determined criteria, such as having a sufficient number of contact hours.” Decision and Direction of Election, p. 33. The UCOC (which decides USC’s academic programs) is arguably the most important faculty committee under the standards set by the Board in *Pacific Lutheran*, and this finding drove the result in these cases.

The January 2016 election ended in mixed results. In the Roski School, the SEIU was elected by the non-tenure-track faculty, and USC then appealed to the Board the Regional Director’s Decision allowing the election to occur in the first place. The SEIU opposed USC’s still-pending request for review, and its brief to the Board emphasized Professor Levin’s pre-election testimony --- that non-tenure-track faculty are supposedly deciding nothing more than technical and clerical matters.² See SEIU’s Opposition to Employer’s Request for Review of Decision and Direction of Election at pp. 7-8, 20.

In the Dornsife College, the SEIU failed to secure a majority of votes and served objections. During the February 2016 objections hearing, the SEIU took a starkly different position on faculty decision-making --- as did Professor Levin, the same witness, now making the opposite point. Far from arguing that non-tenure-track faculty on University-wide committees are powerless minions, the SEIU suddenly claimed that non-tenure-track faculty have a vital role in USC governance through such committees and that this power is an important

² Because USC’s request for review is pending, USC is concurrently providing a courtesy copy of this motion and its attached exhibits to the Board.

benefit.³ To that end, Professor Levin testified that she and the other UCOC members actually *do* make decisions about USC's curriculum, and she described how much she enjoys her own influence in deciding what courses are offered. She testified:

- **“I enjoy having a say in --- you know, in what courses are offered to students. I enjoy chiming in on discussions that my fellow committee members are having about any given course or any given [course] modification** because it's often the case that a number of people will comment on a [course] proposal . . .” Post-Election Tr. 193:22-194:8 (emphasis added).
- **“[W]e make recommendations about whether new courses . . . or changes to existing courses should go through.”** Post-Election Tr. 246:20-247:1 (emphasis added).
- **“[I joined the UCOC because] I was interested in getting a window into how university curricula are shaped.”** Post-Election Tr. 192: 18-193:3 (emphasis added).
- **“Q: Do you regard your work on the curriculum committee as important? A: I do.”** Post-Election Tr. 246:3-5 (emphasis added).

Had Professor Levin been that candid in the *pre-election* hearing, it would have led to a different result. After all, faculty decision-making about academic programs is the first of the primary areas of decision-making and, standing alone, it is enough to make faculty managerial under *Pacific Lutheran*. Professor Levin's testimony at the post-election hearing shows that USC should have prevailed on this issue in the pre-election hearing.

³ After all, the Union's goals had changed. In the *pre-election* hearing, the Union was contending that the faculty members at issue were non-managerial. In that context, making faculty governance sound powerless was good. In the *post-election* hearing, the Union was contending that USC's comments about possible changes to faculty governance following unionization were objectionable “threats.” In that context, making faculty governance sound powerless was bad.

This is an extraordinary situation. A key SEIU witness has totally undermined her own previous Board testimony --- testimony that the Regional Director relied upon, at the SEIU's insistence. Under Section 102.64(b) of the Board's Rules and Regulations, the hearing officer has the obligation to "obtain a full and complete record upon which the Board or the regional director may discharge their duties under Section 9(c) of the Act." 29 C.F.R. § 102.64(e). But because Professor Levin's new testimony was not known at the time of the pre-election hearing, the hearing officer could not inquire about it. The Regional Director was therefore deprived of a complete record on which to render the decision. These are compelling reasons to reopen the hearing. *See, e.g., Chicago Youth Centers*, 235 NLRB 915, **1, fn.3 (1978) (concluding that evidence at the first hearing was "incomplete and somewhat misleading," therefore warranting reopening); *Oscopharmacy*, 2015 NLRB LEXIS 128, n1 (Feb. 25, 2015) (unpublished order upholding Regional Director's reopening pre-election representation hearing; "[t]he Regional Director is responsible for ensuring that the record is full and complete. Inherent in that responsibility is the authority to supplement an incomplete record by reopening a representation hearing.") (Hirozawa, Johnson, McFerran).

Once the new evidence is in the record, it is entirely appropriate for the Regional Director to reconsider the Decision and Direction of Election. *See e.g., Grandview Foods, LLC*, 2004 NLRB Reg. Dir. Dec. LEXIS 393 (Dec. 14, 2004) (granting a motion to reconsider, vacating the election, and dismissing the instant petition). Professor Levin's new testimony shows indisputably that non-tenure-track faculty make substantive, important decisions about USC's academic programs (the top-ranked decision-making area in *Pacific Lutheran*). Therefore, USC's faculty, including non-tenure-track faculty, exercise managerial authority. No question of

representation exists in either of the petitioned-for units, and upon reconsideration, the petitions should be dismissed.

DATED: March 31, 2016

PAUL HASTINGS LLP
J. AL LATHAM, JR.
CAMERON W. FOX

By: 

CAMERON W. FOX

Attorneys for Employer
UNIVERSITY OF SOUTHERN CALIFORNIA

EXHIBIT A

OFFICIAL REPORT OF PROCEEDINGS

BEFORE THE

NATIONAL LABOR RELATIONS BOARD

REGION 31

In the Matter of:

University of Southern
California,

Case No. 31-RC-164864
31-RC-164868
31-RC-164871

Employer,

and

Service Employees
International Union, Local
721,

Petitioner.

Place: Los Angeles, California

Dates: December 10, 2015

Pages: 596 through 731

Volume: 4

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Phoenix, AZ 85020
(602) 263-0885

1 MS. MYERS: Thank you. Petitioner calls Professor Kate
2 Levin.

3 HEARING OFFICER PEREIRA: Ms. Levin -- or Professor Levin,
4 please raise your right hand.

5 Whereupon,

6 **KATE LEVIN**

7 having been duly sworn, was called as a witness herein and was
8 examined and testified as follows:

9 HEARING OFFICER PEREIRA: Please state and spell your name
10 for the record.

11 THE WITNESS: My first name is Kate, K-A-T-E. My last
12 name is Levin, L-E-V-I-N.

13 **DIRECT EXAMINATION**

14 Q BY MS. MYERS: Good afternoon, Professor Levin.

15 A Good afternoon.

16 Q Professor, are you currently employed?

17 A Yes.

18 Q Who is your employer?

19 A The University of Southern California.

20 Q And what is your title?

21 A I'm a part-time lecturer.

22 Q And what school do you teach?

23 A Dornsife.

24 Q And what program do you teach?

25 A In the writing program.

1 provided it? I know you received it directly from the staff
2 person, but do you know who drafted it? Do you have an idea?

3 THE WITNESS: I don't actually. I don't.

4 HEARING OFFICER PEREIRA: Okay. And, again, could you
5 just tell me what the purpose was? Was it to assist you and
6 other committee members in drafting proposals?

7 THE WITNESS: Not in drafting proposals but in reviewing
8 proposals that had been drafted by others.

9 HEARING OFFICER PEREIRA: Okay.

10 THE WITNESS: Yes.

11 HEARING OFFICER PEREIRA: All right. Well, thank you.

12 THE WITNESS: Sure.

13 Q BY MS. MYERS: Professor, can you describe in more detail
14 what your role is on this committee in terms of reviewing
15 proposals that are drafted by others?

16 A Sure. So the chair of the committee assigns our
17 subcommittee members, you know, a few tasks, right? We are --
18 we might be tasked with reviewing a new course. We might be
19 tasked with reviewing changes to an existing course or a
20 program or a certificate.

21 Essentially, the nature of the work is to make sure, you
22 know, things like there are enough contact hours between
23 professors and students, to make sure that the credits, you
24 know, of the course match the contact hours, to make sure that,
25 you know, the prerequisites of a given course match up with the

1 specifications in the curriculum handbook, that sort of thing.

2 Q Okay. Have you received any assignments to review any
3 courses or programs yet?

4 A I have. I've received three assignments.

5 Q Can you describe those assignments?

6 A Sure. One was reviewing a new political science course.
7 It was a graduate level course on research methods. Another
8 was to review a change to a certificate that the law school is
9 offering, and another one was to review a change to a master's
10 program offered by the business school.

11 Q Okay. Let me ask you about the first of those three.

12 With regard to the political science --

13 A Uh-huh, yeah.

14 Q -- do you have any academic training in political science?

15 A I took an undergrad course in political science, but not
16 since then.

17 Q I think the second task that you mentioned was to review a
18 new certificate program in the law school?

19 A Yes.

20 Q Do you have any legal training?

21 A No.

22 Q And your third task was to review a master's degree
23 program in the business school; is that right?

24 A Yes, or a change to an existing program, yes, uh-huh.

25 Q Okay. Do you have any formal training in business?

1 A No.

2 Q Professor, how can you provide substantive feedback on
3 courses or programs that are outside of the area of your
4 academic expertise?

5 A I wasn't providing substantive feedback. Reviewing, you
6 know, these three tasks probably amounted to about 45 minutes
7 of work. As I said --

8 Q Forty-five minutes total, or 45 minutes for each --

9 A Total.

10 Q Okay.

11 A You know, again, you know, some of it is mathematical,
12 just making sure that the contact hours are sufficient to a
13 given course's credits, right. Making sure, you know, for
14 example, for the law school certificate, there's a stipulation
15 in the curriculum handbook that all the prerequisites have to
16 be, you know of a 500 level, right? And some of the
17 prerequisites here were a 200 level, right? So that's
18 something I would flag, but I don't -- I've never made any
19 substantive decisions that have, you know, asked me to draw on
20 any real judgment.

21 Q What is your understanding of the process after you
22 provide your feedback when you've reviewed a new course or
23 program?

24 A Right. It seems that when I approve a program or, excuse
25 me, you know, approve a given task, it then goes on to the

1 us what your work on the committee has been?

2 A Well, it's largely, you know, a group of part-time faculty
3 talking to each other, you know, about our situations, but my
4 sense of it is that the committee's -- excuse me, the
5 subcommittee's powers are very limited. You know, we -- you
6 know, as I said one of the first things that happened is that
7 we sought just data on how many part-time faculty exist at the
8 given schools and we're essentially told no. So, you know,
9 that struck me as a real contradiction. You know, here's a new
10 subcommittee that's formed, you know, to monitor and evaluate
11 part-time faculty affairs at the school, but it seems that, you
12 know, the administration was not willing to provide us with a
13 key piece of what we would need to fulfill our charge. So my
14 sense of our authority and our ability to get things done is
15 that we're quite hampered by that and somewhat limited.

16 Q And with respect to your work on the University Committee
17 on Curriculum, now that you've served a semester on that
18 committee, can you describe what the work of the committee is.

19 A The work of -- yeah, you know, mostly we're kind of
20 reviewing these proposals for kind of technical and clerical
21 matters. You know, as I sort of alluded to before, I was a bit
22 intimidated accepting the invitation to this committee because
23 I, you know, I didn't know if I was sort of qualified to make
24 decisions about, you know, new classes being proposed in other
25 departments, and I didn't know how I would be able to do that

C E R T I F I C A T I O N

1
2 This is to certify that the attached proceedings before the
3 National Labor Relations Board (NLRB), Region 31, Case Numbers
4 31-RC-164864, 31-RC-164868, 31-RC-164871, University of
5 Southern California and Service Employees International Union,
6 Local 721 at the National Labor Relations Board, Region 31,
7 11500 West Olympic Boulevard, Suite 600, Hearing Room A, Room
8 603, Los Angeles, California 90064 on Thursday, December 10,
9 2015, at 9:35 Am. was held according to the record, and that
10 this is the original, complete, and true and accurate
11 transcript that has been compared to the reporting or
12 recording, accomplished at the hearing, that the exhibit files
13 have been checked for completeness and no exhibits received in
14 evidence or in the rejected exhibit files are missing.

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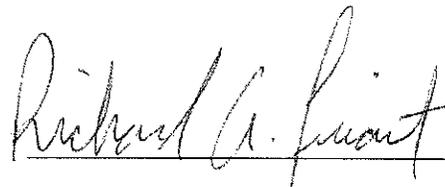
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RICHARD A FRIANT

Official Reporter

EXHIBIT B

OFFICIAL REPORT OF PROCEEDINGS

BEFORE THE

NATIONAL LABOR RELATIONS BOARD

REGION 31

In the Matter of:

University of Southern
California,

Case No. 31-RC-164864

Employer,

and

Service Employees
International Union,
Local 721,

Petitioner.

Place: Los Angeles, California

Dates: February 23, 2016

Pages: 1 through 230

Volume: 1

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Phoenix, AZ 85020
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1 MR. NADURIS-WEISSMAN: Well, let's see. It's a really
2 brief witness.

3 MR. LATHAM: Okay.

4 MR. NADURIS-WEISSMAN: So I think 10:00 a.m. would be
5 fine.

6 MR. LATHAM: All right. Okay.

7 MR. NADURIS-WEISSMAN: Okay.

8 HEARING OFFICER PALENCIA: Off the record.

9 (Off the record at 4:19 p.m.)

10 HEARING OFFICER PALENCIA: Back on the record.

11 Whereupon,

12 **KATE LEVIN**

13 having been duly sworn, was called as a witness herein and was
14 examined and testified as follows:

15 HEARING OFFICER PALENCIA: Can you please state your name
16 for the record.

17 THE WITNESS: Sure. My name is Kate Levin.

18 HEARING OFFICER PALENCIA: L-E-V-I-N?

19 THE WITNESS: L-E-V-I-N.

20 HEARING OFFICER PALENCIA: Please speak loudly and make
21 sure that you wait for the question to be completed before you
22 answer. Also, make sure you understand the question. If you
23 don't understand the question, say so and ask that it be
24 rephrased.

25 THE WITNESS: Okay.

1 A Yes, I am.

2 Q Let me ask you about the Curriculum Committee. How did
3 you get on this committee?

4 A Uh-huh. I received an invitation letter notifying me that
5 I had been nominated to join the committee, and I received that
6 in I believe it was August of 2015.

7 Q Okay. Do you know how you were selected?

8 A Only that I was nominated by -- I believe it was the
9 Executive Committee.

10 Q The Executive Committee of what, do you know?

11 A I believe it was of the University Committee on
12 Curriculum, although I don't remember if that was the exact
13 language.

14 Q Okay.

15 HEARING OFFICER PALENCIA: Exact language of what?

16 THE WITNESS: Of the body that nominated me to join the
17 committee.

18 Q BY MR. NADURIS-WEISSMAN: Okay. What does the -- what
19 does the Curriculum Committee do?

20 A The Curriculum Committee reviews proposals for new
21 courses. It also reviews proposals for new certificates, new
22 programs at times. And it also reviews modifications to
23 existing courses, programs, certificates.

24 Q And what was your interest in joining this committee?

25 A Uh-huh.

1 Q Or accepting the nomination?

2 A Uh-huh. I was interested in getting a window into how
3 university curricula are shaped. I was interested in getting a
4 look at how other professors design their courses in other
5 disciplines. And I was interested in getting a chance to work
6 with colleagues in other disciplines, other departments.

7 Q And did you receive any financial benefit for
8 participating?

9 A I did.

10 Q And is that the -- is that something we discussed
11 previously with the September 3rd employment contract
12 modification?

13 A Yes.

14 Q Do you -- do you recall how much you receive?

15 A Yes. For the term spanning from September 2015 through
16 April 2016, the compensation is \$752.96.

17 Q Okay. And -- all right. Well, I'll just -- how often has
18 this committee met?

19 A We've met in person once.

20 Q How is the work done?

21 A Most of our work is conducted over email.

22 Q Are you still on this committee?

23 A I am.

24 Q Are you interested in continuing in the future?

25 A I am.

1 Q And why?

2 A Because I enjoy having a say in -- you know, in what
3 courses are offered to students. I enjoy chiming in on
4 discussions that my fellow committee members are having about
5 any given course or any given modification because it's often
6 the case that a number of people will comment on a proposal,
7 and I enjoy seeing how other professors organized their
8 materials, design their classes.

9 Q Okay. Thank you.

10 MR. NADURIS-WEISSMAN: Let me check if I'm -- I'm sorry.
11 I lost track whether Union Exhibit 26 was admitted.

12 HEARING OFFICER PALENCIA: 26 has been admitted into
13 evidence.

14 MR. NADURIS-WEISSMAN: Okay. And I will -- I've marked
15 Union Exhibit 27. I will distribute.

16 Q BY MR. NADURIS-WEISSMAN: Ms. Levin, is this the letter
17 you received that you previously mentioned that -- regarding
18 your agreement to serve on the University Committee on
19 Curriculum?

20 A This is a letter that I received after accepting the
21 invitation to serve on that committee, yes.

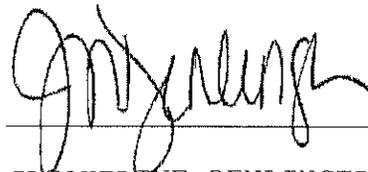
22 Q Okay. And the date, do you know if that represents when
23 you received that letter?

24 A Yes, it does.

25 Q Thank you. The letter says -- the second paragraph states

C E R T I F I C A T I O N

1
2 This is to certify that the attached proceedings before the
3 National Labor Relations Board (NLRB), Region 31, Case Number
4 31-RC-164864, University of Southern California and Service
5 Employees International Union, Local 721, at the National Labor
6 Relations Board, Region 31, 11500 West Olympic Boulevard, Suite
7 600, Los Angeles, California 90064, on Tuesday, February 23,
8 2016, at 9:23 a.m. was held according to the record, and that
9 this is the original, complete, and true and accurate
10 transcript that has been compared to the reporting or
11 recording, accomplished at the hearing, that the exhibit files
12 have been checked for completeness and no exhibits received in
13 evidence or in the rejected exhibit files are missing.

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18 JACQUELINE DENLINGER

19 Official Reporter
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OFFICIAL REPORT OF PROCEEDINGS

BEFORE THE

NATIONAL LABOR RELATIONS BOARD

REGION 31

In the Matter of:

University of Southern
California,

Case No. 31-RC-164864

Employer,

and

Service Employees
International Union,
Local 721,

Petitioner.

Place: Los Angeles, California

Dates: February 24, 2016

Pages: 231 through 334

Volume: 2

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1 HEARING OFFICER PALENCIA: 34. And they're admitted into
2 evidence.

3 **(Union Exhibit Number 30 through 34 Received into Evidence)**

4 MR. NADURIS-WEISSMAN: Thank you. Shall I get the
5 witness?

6 HEARING OFFICER PALENCIA: Please. And I'm sorry, those
7 were Exhibits 31 through 34, correct? So --

8 MR. NADURIS-WEISSMAN: Including 30 through 34.

9 HEARING OFFICER PALENCIA: Right. 30 through 34, yes. 30
10 to 34 are admitted into the record and then -- so, okay. And
11 let me just remind you that you're still under oath.
12 Whereupon,

13

KATE LEVIN

14 having been previously sworn, was called as a witness herein
15 and was examined and testified as follows:

16

CROSS-EXAMINATION

17 Q BY MR. LATHAM: Good morning, Professor Levin.

18 A Good morning.

19 Q Other than your counsel, the Union counsel, have you
20 discussed your testimony with anyone since last evening?

21 A No.

22 Q You testified yesterday that you were in a union, a
23 faculty union at the University of Michigan. Just for the
24 record, the University of Michigan is a public school, correct?

25 A Correct.

1 curriculum committee. Do you recall that testimony?

2 A Yes.

3 Q Do you regard your work on the curriculum committee as
4 important?

5 A I do.

6 MR. LATHAM: I have nothing further. Thank you.

7 MR. NADURIS-WEISSMAN: No redirect.

8 HEARING OFFICER PALENCIA: I have some questions. You
9 testified about the curriculum committee and other types of
10 committees. I have no idea how these committees work. Do
11 these -- say your curriculum committee, do they make some type
12 of recommendation --

13 THE WITNESS: Yes.

14 HEARING OFFICER PALENCIA: -- to upper management?

15 THE WITNESS: Yes.

16 HEARING OFFICER PALENCIA: Like what?

17 THE WITNESS: We --

18 MR. LATHAM: Madam Hearing Officer, I'm sorry, the term
19 upper management just does not apply in the university context.

20 HEARING OFFICER PALENCIA: Okay. Do you make any types of
21 recommendations?

22 THE WITNESS: Me personally or --

23 HEARING OFFICER PALENCIA: The committee.

24 THE WITNESS: We do -- we make recommendations about
25 whether new courses let's say or changes to existing courses

1 should go through.

2 HEARING OFFICER PALENCIA: And who are these
3 recommendations made to?

4 THE WITNESS: Well, at my level, it goes to the chair of
5 our committee who's a faculty member and then she makes the
6 recommendation to the administration. Though I couldn't tell
7 you exactly to whom. I believe it goes to the deans and then
8 above.

9 HEARING OFFICER PALENCIA: Okay. During direct, you
10 talked -- you were asked about how USC communicated its message
11 during the campaign. You also talked about what you understood
12 these messages to be.

13 THE WITNESS: Yes.

14 HEARING OFFICER PALENCIA: And you talked about
15 governance. What they meant -- what you understood them to
16 mean with respect to governance.

17 THE WITNESS: Yes.

18 HEARING OFFICER PALENCIA: And I understand you talked
19 about being a threat to governance?

20 THE WITNESS: The Union --

21 HEARING OFFICER PALENCIA: The messages?

22 THE WITNESS: The message -- yes, the message was that the
23 Union shouldn't go through. It was a threat in fact to
24 governance.

25 HEARING OFFICER PALENCIA: You understood that?

C E R T I F I C A T I O N

1
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3 National Labor Relations Board (NLRB), Region 31, Case Number
4 31-RC-164864, University of Southern California and Service
5 Employees International Union, Local 721, at the National Labor
6 Relations Board, Region 31, 11500 West Olympic Boulevard, Suite
7 600, Los Angeles, California 90064, on Wednesday, February 24,
8 2016, at 9:28 a.m. was held according to the record, and that
9 this is the original, complete, and true and accurate
10 transcript that has been compared to the reporting or
11 recording, accomplished at the hearing, that the exhibit files
12 have been checked for completeness and no exhibits received in
13 evidence or in the rejected exhibit files are missing.

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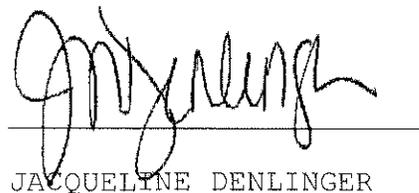
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JACQUELINE DENLINGER

Official Reporter

CERTIFICATE OF SERVICE

I am a citizen of the United States and employed in Los Angeles, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 515 South Flower Street, 25th Floor, Los Angeles, California 90071.

On March 31, 2016, I served the foregoing document described as:
**USC'S MOTION TO REOPEN THE RECORD AND FOR RECONSIDERATION;
POINTS AND AUTHORITIES IN SUPPORT THEREOF** on the interested parties by electronic service and United States mail as follows:

Mori Rubin
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Region 31
11500 W. Olympic Blvd., Suite 600
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Mori.Rubin@nlrb.gov

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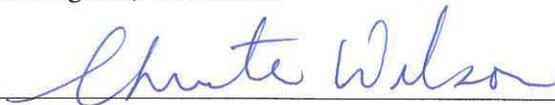
Nicole M. Pereira
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VIA EMAIL:

The email transmission was complete and without error. The email was transmitted to the email addresses listed above on March 31, 2016.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on March 31, 2016, at Los Angeles, California.



Christine Wilson