Policy Shift Expected

Just as public employers were getting used to favorable decisions from PERB, Governor Brown appointed key PERB positions that may reverse that perceived pro-employer trend. If the new appointees’ backgrounds are a predictor, PERB’s policy may shift. One appointee to the PERB Board was a long-time staff attorney for the California Teachers Association, while the newly appointed PERB General Counsel was legal counsel for the California Nurses Association. The other appointment elevates a long-time PERB Regional Director to the position of PERB Chair.

Since PERB’s beginning in 1976, we have seen several of these shifts from a union perspective to a management orientation, and back again. These shifts are gradual and happen over a period of years. But with the filling of the next vacancy, Brown appointees will constitute a majority of the Board, and the rate of change could accelerate.

Because PERB must follow current Courts of Appeal decisions and the existing body of approximately 2,200 PERB decisions, the initial change will likely occur only in close cases. The metaphor of an ocean liner turning might appropriately describe the speed at which this trend will reverse.

Serving with the Governor’s new Board appointees, Anita Martinez and Eugene Huguenin, will be current Board members Alice Dowdin Calvillo and Sally McKeag. There is still one vacancy to be filled on the five-member Board. The Governor also designated Anita Martinez as the new Chair of the Board, while Suzanne Murphy was appointed as PERB’s new General Counsel.
Appointees’ Backgrounds

Anita Martinez, 58, of Oakland, has been appointed member and chair of the Public Employment Relations Board. She has worked for the Board since 1976, where she currently serves as a regional director. Martinez was previously a board agent for the Agricultural Labor Relations Board from 1975 to 1976. She was an intern at the National Labor Relations Board from 1973 to 1976. This position requires Senate confirmation and the compensation is $132,179. Martinez is a Democrat.

A. Eugene Huguenin, 68, of Rancho Murieta, has been appointed to the Public Employment Relations Board. He has been the owner of the Huguenin Law Office since 2001. Huguenin was staff counsel at the California Teachers Association (CTA) from 1979 to 2000, after serving as a consultant from 1973 to 1979. Huguenin has also served as a commissioner on the Fair Political Practices Commission from 2005 to 2009. This position requires Senate confirmation and the compensation is $128,109. Huguenin is a Democrat.

M. Suzanne Murphy, 58, of Lafayette, has been appointed general counsel of the Public Employment Relations Board. She has been a law clerk to the late Honorable Cynthia Holcomb Hall, senior judge on the U.S. Court of Appeals, Ninth Circuit since 2009, where she previously clerked from 1988 to 1989. Murphy was the executive director of Worksafe from 2008 to 2009. She was legal counsel for the California Nurses Association (CNA) from 2006 to 2007. Previously, Murphy was an appellate and litigation attorney with Weinberg, Roger and Rosenfeld from 2003 to 2006. She also worked for the Administrative Office of the Courts, where she was managing attorney at the Center for Families, Children & the Courts from 2002 to 2003 and supervising attorney for the rules and projects unit in the Office of the General Counsel from 2000 to 2002. She was a senior research attorney to the Honorable Patricia Sepulveda from 1999 to 2000 and to the Honorable Michael Phelan from 1993 to 1998, both of the California Court of Appeal, First District. Murphy was an associate with Heller, Ehrman, White & McAuliffe from 1992 to 1993 and with Cooley, Godward, Castro, Huddleston & Tatum from 1989 to 1991. This position does not require Senate confirmation and the compensation is $126,864. Murphy is registered decline-to-state.

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