

December 4, 2023

## PERB Judge Rules NOCCCD Retaliated Against United Faculty

Dear Colleagues,

On December 1, 2023, a final decision was issued by a Public Employment Relations Board (PERB) judge which confirmed that NOCCCD and its agents Irma Ramos, José Ramón Núñez, and Julie Kossick, were involved in unfair labor practices by retaliating against United Faculty and its lead negotiator for protected union speech and activities. More importantly, this recent case exposes a lack of accountability and an institution marred by unethical practices, where administrators exploit taxpayer funds for frivolous investigations meant to silence, intimidate, and disenfranchise faculty.

On April 5, 2022, United Faculty filed an Unfair Labor Practice Charge (UPC) against NOCCCD with PERB. The case centered on a retaliatory investigation that was initiated by Fullerton's Vice President of Instruction, José Ramón Núñez, against UF's lead negotiator, Mohammad M. Abdel Haq. Irma Ramos, Vice Chancellor of Human Resources and the District's lead negotiator, was the *"ultimate decision maker"* in this retaliatory investigation. The judge ruled that the District's investigation consisted of witnesses who *"seemed to be people who individually had issues with Abdel Haq"* and that *"the investigation tended to be cursory and one-sided."*

The PERB judge ruled that the District retaliated against employees for exercising rights under the Educational Employment Relations Act (EERA), interfered with or harmed rights guaranteed to employees under the EERA, and interfered with United Faculty's right to represent bargaining unit employees.

In a biased investigation, VPI Núñez made accusations of gender harassment against UF's lead negotiator for speaking up about a culture of "toxic masculinity" permeating our district. Although the investigation in itself was retaliatory, the District doubled down on their retaliation and threatened to discipline our lead negotiator over alleged code of ethics violations. The judge ruled that because VC Ramos shared with others her frustration over having to deal with Abdel Haq in negotiations, *"coupled with her testimony about being a witness in the investigation for which she was also the ultimate decision maker tends to show animus or bias towards Abdel Haq's advocacy."* Furthermore, the judge stated: *"In general, Núñez's, Kossick's, and Ramos's accounts of Abdel Haq's speech and behavior during the events at issue were not as credible as Abdel Haq's own accounts."*

While this ruling unveils embarrassing details about the incompetence of high-ranking administrators, one particularly distressing reality emerges: the weaponization of taxpayer money by VC Ramos and other high-paid administrators to conduct a blatantly malicious "investigation" targeted at jeopardizing the job security of a District employee, our union lead negotiator. This ruling makes it clear that the leadership of Human

Resources maintains a reciprocal relationship with legal firms, wherein favors flow both ways. The District ensures an influx of cases, paying excessive legal fees in return for investigations that can be steered towards favorable outcomes for administrators—the clients funding these legal services.

This raises questions about fiduciary duties and using taxpayer money to pursue personal vendettas. This pattern is also evident in a recent UF survey that was sent out to faculty earlier this year, in which union members indicated that VC Irma Ramos and her assistant, Julie Kossick, have used the investigation process as a tool to harass and intimidate faculty.

### **What is next?**

**Accountability.** It is important to point out that this is the second unfair labor practice charge against VC Irma Ramos (in 2019, Ramos was also found guilty of unfair labor practices related to another institution). In addition, in February 2020, a vote of no confidence in VC Ramos was signed by a majority of faculty for her failure to fulfill her duties as the District's lead negotiator. Yet, at NOCCCD, there seems to be no accountability for high-ranking administrators for serious ethical and legal violations.

We ask that the Board of Trustees and Chancellor Breland take these violations seriously and hold high-ranking administrators accountable. The retaliatory behavior of some administrators is a dangerous threat to NOCCCD's culture and deteriorates trust among District employees. We hope to see affirmative steps towards accountability and fulfilling the District's fiduciary duties.

Among other remedies, the PERB judge ordered the District to post a notice incorporating the terms of his order. The notice shall also be posted by electronic message, intranet, internet site, and other electronic means customarily used by the District to communicate with its employees, so please keep an eye out for an email from the District in the next few days.

If you wish to read the full case, please visit UF's website: [https://ufnorthorange.com/uploads/1/2/7/6/127684977/uf\\_unfair\\_practice\\_charge\\_perb\\_case\\_lace6708e.pdf](https://ufnorthorange.com/uploads/1/2/7/6/127684977/uf_unfair_practice_charge_perb_case_lace6708e.pdf)

Also, a PowerPoint summary of the PERB case was created by Fullerton College Professor Archie Delshad and is attached to this email.

In Solidarity,

Christie

**Christie Diep**  
**President, United Faculty**