

**STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD**



SANTA ROSA FIREFIGHTERS,
INTERNATIONAL ASSOCIATION OF
FIREFIGHTERS LOCAL 1401,

Charging Party,

v.

CITY OF SANTA ROSA (FIRE DEPARTMENT),

Respondent.

Case No. SF-CE-1390-M

PERB Decision No. 2653-M

July 8, 2019

Appearances: Mastagni Holstedt by Ian B. Sangster, Attorney, for Santa Rosa Firefighters, International Association of Firefighters Local 1401; Renne Public Law Group by Jonathan Holtzman and Spencer Wilson, Attorneys, for City of Santa Rosa (Fire Department).

Before Banks and Krantz, Members.

DECISION¹

KRANTZ, Member: This case is before the Public Employment Relations Board (PERB or Board) on exceptions by the City of Santa Rosa Fire Department (City) to the proposed decision of an administrative law judge finding that the City violated MMBA sections 3505 and 3506.5, subdivision (c), by bypassing employees exclusively represented by Santa Rosa Firefighters, International Association of Firefighters Local 1401 (Local 1401) and engaging in a direct effort to determine employee sentiment rather than leaving such efforts to the employees' exclusive representative.

The City excepted to the proposed decision. Local 1401 filed a response to the City's exceptions, urging the Board to adopt the proposed decision. While the City's exceptions were

¹ Pursuant to the Meyers-Milias-Brown Act (MMBA), section 3509, subdivision (a), and Government Code section 3541.3, the Board has delegated this case for decision to a two-member panel of the Board. The MMBA is codified at Government Code section 3500 et seq. Unless otherwise specified, all further statutory references are to the Government Code.

pending before the Board, Local 1401 notified the Board that the parties had reached a global settlement of all disputes and requested that it be permitted to withdraw the underlying charge and that the complaint be dismissed with prejudice.

As part of the Board's authority to take any action in a pending case that the Board deems necessary to discharge its duties and effectuate the purposes of the labor relations laws that PERB enforces, the Board has discretion to grant or deny requests to withdraw and dismiss cases pending before the Board itself. (EERA, § 3541.3, subs. (i) and (n);² MMBA, § 3509, subd. (a); *State of California (Department of Personnel Administration)* (2010) PERB Decision No. 2152-S, p. 5.) The Board finds withdrawal of the underlying unfair practice charge and dismissal of the complaint pursuant to a global settlement agreement between the parties to be consistent with the MMBA's purpose of promoting harmonious labor relations. (See, e.g., *City of Hayward et al.* (2019) PERB Decision No. 2620-M, p. 3; *County of San Joaquin* (2018) PERB Decision No. 2564-M, p. 3.) Accordingly, the Board grants Local 1401's request to withdraw the unfair practice charge in Case No. SF-CE-1390-M and to dismiss the complaint with prejudice. We further direct that this matter is closed and compliance is deemed complete.

ORDER

The request by Santa Rosa Firefighters, International Association of Firefighters Local 1401 to withdraw the unfair practice charge in Case No. SF-CE-1390-M and for dismissal of the complaint with prejudice is hereby GRANTED. We further direct that this matter is closed and compliance is deemed complete.

Member Banks joined in this Decision.

² The Educational Employment Relations Act (EERA) is codified at section 3540 et seq.