

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



AMERICAN FEDERATION OF STATE,
COUNTY & MUNICIPAL EMPLOYEES,
COUNCIL 36,

Charging Party,

v.

SANITATION DISTRICTS OF LOS ANGELES
COUNTY,

Respondent.

Case No. LA-CE-1206-M

PERB Decision No. 2656-M

July 11, 2019

Appearances: Rothner, Segall & Greenstone by Daniel B. Rojas, Attorney, for American Federation of State, County & Municipal Employees, Council 36; Musick, Peeler & Garrett by William J. Tebbe, Attorney, for Sanitation Districts of Los Angeles County.

Before Banks, Shiners, and Krantz, Members.

DECISION

KRANTZ, Member: This case is before the Public Employment Relations Board (PERB or Board) on exceptions by American Federation of State, County & Municipal Employees, Council 36 (AFSCME) to a proposed decision of an administrative law judge (ALJ). The complaint alleged that Sanitation Districts of Los Angeles County (SDLAC) violated sections 3505 and 3506.5, subdivision (c), of the Meyers-Milias-Brown Act (MMBA)¹ by unilaterally withholding an annual cost-of-living salary increase without satisfying SDLAC's obligation to meet and confer with AFSCME over the decision. The ALJ dismissed the complaint and underlying unfair practice charge. AFSCME excepted to the proposed decision.

¹ The MMBA is codified at Government Code section 3500 et seq. Unless otherwise indicated, all statutory references are to the Government Code.

While AFSCME's exceptions were pending before the Board, AFSCME notified the Board that the parties had settled the instant dispute. AFSCME requested that it be permitted to withdraw its exceptions 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); *City of Santa Rosa (Fire Department)* (2019) PERB Decision No. 2653-M, p. 2 (*Santa Rosa*)). The Board finds withdrawal of AFSCME's exceptions with prejudice to be consistent with the MMBA's purpose of promoting harmonious labor relations. (*Santa Rosa*, p. 2.) Accordingly, the Board grants AFSCME's request to withdraw with prejudice its exceptions to the proposed decision in Case No. LA-CE-1206-M. We further direct that this matter is closed and that no further action be taken in this case.

ORDER

The request by American Federation of State, County & Municipal Employees, Council 36 to withdraw with prejudice its exceptions to the proposed decision in Case No. LA-CE-1206-M is hereby GRANTED. We further direct that this matter is closed and that no further action be taken in this case.

Members Banks and Shiners joined in this Decision.

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