

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



ELIZABETH KISZELY,)
)
 Charging Party,) Case No. LA-CE-4120
)
 v.) PERB Decision No. 1364
)
 NORTH ORANGE COUNTY COMMUNITY)
 COLLEGE DISTRICT,) December 10, 1999
)
 Respondent.)
 _____)

Appearances: Elizabeth Kiszely, on her own behalf; Parker, Covert & Chidester by Cathie L. Fields, Attorney, for North Orange County Community College District.

Before Caffrey, Chairman; Dyer and Amador, Members.

DECISION AND ORDER

CAFFREY, Chairman: This case is before the Public Employment Relations Board (PERB or Board) on appeal by Elizabeth Kiszely (Kiszely) of a Board agent's dismissal of her unfair practice charge. In her charge, Kiszely alleged that the North Orange County Community College District violated section 3543.5(a) of the Educational Employment Relations Act (EERA)¹ by

¹EERA is codified at Government Code section 3540 et seq. Unless otherwise indicated, all statutory references are to the Government Code. Section 3543.5 states, in pertinent part:

It shall be unlawful for a public school employer to do any of the following:

(a) Impose or threaten to impose reprisals on employees, to discriminate or threaten to discriminate against employees, or otherwise to interfere with, restrain, or coerce employees because of their exercise of rights guaranteed by this chapter. For purposes of this subdivision, "employee" includes an applicant for employment or reemployment.

retaliating against her for her participation in protected activities.

On November 9, 1999, the PERB General Counsel's Office (General Counsel) requested that this case be remanded for further investigation. EERA section 3541.3(i)² empowers the Board to investigate unfair practice charges and take the action it deems necessary to effectuate the policies of EERA. The Board concludes that remanding this case to the General Counsel will effectuate the policies of EERA.

Therefore, the Board ORDERS that Case No. LA-CE-4120 be REMANDED to the Office of the General Counsel for further investigation.

Members Dyer and Amador joined in this Decision.

²EERA section 3541.3 states, in pertinent part:

The board shall have all of the following powers and duties:

- (i) To investigate unfair practice charges or alleged violations of this chapter, and take any action and make any determinations in respect of these charges or alleged violations as the board deems necessary to effectuate the policies of this chapter.