

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



CALIFORNIA SCHOOL EMPLOYEES
ASSOCIATION & ITS CHAPTER 176,

Charging Party,

v.

BARSTOW COMMUNITY COLLEGE
DISTRICT,

Respondent.

Case No. LA-CE-4787-E

PERB Decision No. 1745

January 28, 2005

Appearances: California School Employees Association by Madalyn J. Frazzini, Deputy Chief Counsel, for California School Employees Association & its Chapter 176; Atkinson, Andelson, Loya, Ruud & Romo by Aaron V. O'Donnell, Attorney, for Barstow Community College District.

Before Duncan, Chairman; Whitehead and Shek, Members.

DECISION

WHITEHEAD, Member: This case is before the Public Employment Relations Board (Board) on appeal by California School Employees Association & its Chapter 176 (CSEA) of a Board agent's partial dismissal of its unfair practice charge. The unfair practice charge, as pertinent to the partial dismissal, alleged that the Barstow Community College District violated the Educational Employment Relations Act (EERA)¹ by unilaterally changing policies regarding a declaration of an emergency for purposes of overtime and of employees' options for overtime reimbursement. CSEA alleged that this conduct constituted a violation of EERA section 3543.5(a), (b) and (c).

On January 20, 2005, CSEA petitioned the Board to withdraw with prejudice its appeal of the dismissal of this charge because the parties reached a settlement of the charge. Attached

¹EERA is codified at Government Code section 3540, et seq.

to the petition for withdrawal is a copy of the written settlement signed by representatives of the parties on January 10, 2005.

Having reviewed the record in this matter, the Board finds the withdrawal to be in the best interests of the parties and to be consistent with the purposes of EERA. Accordingly, the Board grants the withdrawal.

ORDER

The request to withdraw its appeal by the California School Employees Association and its Chapter 176 in Case No. LA-CE-4787-E is hereby GRANTED.

Chairman Duncan and Member Shek joined in the Decision.