

STATE OF CALIFORNIA  
DECISION OF THE  
PUBLIC EMPLOYMENT RELATIONS BOARD



CALIFORNIA ALLIANCE OF ACADEMIC  
STUDENT EMPLOYEES/UAW,

Charging Party,

v.

TRUSTEES OF THE CALIFORNIA STATE  
UNIVERSITY,

Respondent.

Case Nos. LA-CE-853-H  
LA-CE-888-H

PERB Decision No. 1992-H

December 11, 2008

Appearances: Schwartz, Steinsapir, Dohrmann & Sommers by Margo A. Feinberg, Attorney, for California Alliance of Academic Student Employees/UAW; Marc D. Mootchnik, University Counsel, for Trustees of the California State University.

Before Neuwald, Chair; McKeag and Wesley, Members.

DECISION

WESLEY, Member: This case is before the Public Employment Relations Board (PERB or Board) on exceptions filed by the Trustees of the California State University (CSU) to an administrative law judge's (ALJ) proposed decision and on cross-exceptions filed by the California Alliance of Academic Student Employees/UAW (CAASE). In the proposed decision, the ALJ held that CSU violated the Higher Education Employer-Employee Relations Act (HEERA)<sup>1</sup> section 3571(a) and (c) by unilaterally excluding off-campus employees and AmeriCorps participants from the bargaining unit represented by CAASE without first exhausting unit modification procedures.<sup>2</sup>

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<sup>1</sup>HEERA is codified at Government Code section 3560 et seq.

<sup>2</sup>At the request of the parties, the hearing was limited to paragraphs 27 through 35 of the amended complaint in Case No. LA-CE-853-H.

On September 28, 2008, CSU and CAASE entered into a settlement agreement involving the matters covered in the proposed decision. The parties amended the settlement agreement on November 24, 2008, and jointly requested that their respective exceptions and cross-exceptions be withdrawn and the proposed decision be vacated. CAASE also withdrew the allegations in the unfair practice charge in Case No. LA-CE-853-H upon which paragraphs 27 through 35 of the first amended complaint were based.

After reviewing the parties' request and the entire record in this matter, the Board finds that granting this request is in the best interests of the parties and is consistent with the purposes of HEERA. (Hesperia Unified School District (2006) PERB Decision No. 1875.)

#### ORDER

The joint request by the Trustees of the California State University and the California Alliance of Academic Student Employees/UAW to withdraw the exceptions and cross-exceptions to the proposed decision in Case No. LA-CE-853-H and to vacate the proposed decision is hereby GRANTED. The allegations in Case No. LA-CE-853-H upon which paragraphs 27 through 35 of the first amended complaint are based are hereby WITHDRAWN.

Chair Neuwald and Member McKeag joined in this Decision.