

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



OPERATING ENGINEERS LOCAL UNION
NO. 3,

Charging Party,

v.

CITY OF HUGHSON,

Respondent.

Case No. SA-CE-537-M

PERB Decision No. 2158-M

January 25, 2011

Appearances: Jolsna M. John, Associate House Counsel, for Operating Engineers Local Union No. 3; Neumiller & Beardslee by Lisa Blanco Jimenez, Attorney, for City of Hughson.

Before Dowdin Calvillo, 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 City of Hughson (City) to an administrative law judge's (ALJ) proposed decision. In his proposed decision, the ALJ held that the City violated the Meyers-Milias-Brown Act (MMBA)¹ when it unilaterally changed an established policy by refusing to compensate an employee for performing out-of-class work.

The City filed its exceptions to the proposed decision on June 23, 2010. The Operating Engineers Local Union No. 3 (Union) timely filed its response on August 12, 2010. On December 30, 2010, the City and the Union notified the Board that they had settled their dispute. The parties filed a joint stipulation and request to withdraw the exceptions and dismiss the case with prejudice. On January 11, 2011, the parties clarified that they also sought to vacate the proposed decision.

¹ The MMBA is codified at Government Code section 3500 et seq.

After reviewing the parties' request and the entire record in this matter, the Board finds the withdrawal to be in the best interests of the parties and consistent with the purposes of the MMBA. (*Trustees of the California State University* (2008) PERB Decision No. 1992-H.)

ORDER

The joint request by the City of Hughson and the Operating Engineers Local Union No. 3 to withdraw the exceptions to the proposed decision in Case No. SA-CE-537-M, vacate the proposed decision and dismiss the case with prejudice is hereby GRANTED.

Chair Dowdin Calvillo and Member McKeag joined in this Decision.