

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



MENDOCINO COUNTY FEDERATION OF
SCHOOL EMPLOYEES, AMERICAN
FEDERATION OF TEACHERS, LOCAL 4345,

Charging Party,

v.

MENDOCINO COUNTY OFFICE OF
EDUCATION,

Respondent.

Case No. SF-CE-2871-E

PERB Decision No. 2200

September 8, 2011

Appearance: Weinberg, Roger & Rosenfeld by Stewart Weinberg, Attorney, for Mendocino County Federation of School Employees, American Federation of Teachers, Local 4345.

Before Martinez, Chair; McKeag and Huguenin, Members.

DECISION

MARTINEZ, Chair: This case is before the Public Employment Relations Board (PERB or Board) on appeal by the Mendocino County Federation of School Employees, American Federation of Teachers, Local 4345 (AFT) of a Board agent's dismissal of an unfair practice charge. The charge alleges that the Mendocino County Office of Education violated the Educational Employment Relations Act (EERA)¹ by failing to meet and negotiate in good faith. The charge alleges that this conduct constituted a violation of EERA section 3543.5(a), (b) and (c).

By letter dated August 17, 2011, counsel for AFT notified PERB that the parties had reached an amicable resolution of the matters that formed the basis for the unfair practice

¹EERA is codified at Government Code section 3540 et seq. Unless otherwise indicated, all statutory references herein are to the Government Code.

charge. AFT therefore wishes to withdraw its appeal of the dismissal of the unfair practice charge and the underlying charge.

The Board has generally permitted a charging party to withdraw an unfair practice charge. (*ABC Unified School District* (1991) PERB Decision No. 831(b).) PERB Regulation 32625² provides that requests for withdrawal of a charge before complaint has issued shall be granted. (See, e.g., *California State University* (1990) PERB Decision No. 848-H.)

We have reviewed the charge, the Board agent's warning and dismissal letters, the appeal and the entire record in light of the relevant law and find that settlement of this matter is in the best interests of the parties, effectuates the purposes of EERA and is consistent with the Board's mission to promote harmonious labor relations. Accordingly, the Board grants AFT's request to withdraw its appeal and the underlying charge, thereby disposing of this case in its entirety.

ORDER

It is ORDERED that the Mendocino County Federation of School Employees, American Federation of Teachers, Local 4345's (AFT) request to withdraw its appeal of the dismissal of the unfair practice charge and the underlying charge in Case No. SF-CE-2871-E is GRANTED. Therefore, AFT's appeal of the dismissal of the unfair practice charge and the underlying charge are hereby DISMISSED in their entirety with prejudice.

Members McKeag and Huguenin joined in this Decision.

² PERB regulations are codified at California Code of Regulations, title 8, section 31001 et seq.