

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



CALIFORNIA SCHOOL EMPLOYEES
ASSOCIATION AND ITS CHAPTER 32,

Charging Party,

v.

BELLFLOWER UNIFIED SCHOOL DISTRICT,

Respondent.

BELLFLOWER UNIFIED SCHOOL DISTRICT,

Charging Party,

v.

CALIFORNIA SCHOOL EMPLOYEES
ASSOCIATION AND ITS CHAPTER 32,

Respondent.

Case No. LA-CE-5707-E

PERB Decision No. 2403

December 19, 2014

Case No. LA-CO-1509-E

Appearances: Charmaine L. Hunting, Attorney, for California School Employees Association and its Chapter 32; Law Office of Eric Bathen by Eric Bathen, Attorney, for Bellflower Unified School District.

Before Martinez, Chair; Huguenin and Banks, Members.

DECISION

HUGUENIN, Member: This case is before the Public Employment Relations Board (PERB or Board) on exceptions filed by the Bellflower Unified School District (District) to a proposed decision of a PERB administrative law judge (ALJ), following a consolidated hearing on two unfair practice charge complaints issued pursuant to the Educational Employment Relations Act (EERA).¹

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

On February 1, 2012, the District filed an unfair practice charge against California School Employees Association and its Chapter 32 (CSEA) accusing CSEA of bad faith bargaining. That charge was assigned PERB Case No. LA-CO-1509-E. On June 6, 2012, CSEA filed its own charge alleging that the District unilaterally and discriminatorily implemented furloughs in the 2011-2012 school year. That charge was assigned Case No. LA-CE-5707-E. On October 30, 2012, PERB's Office of the General Counsel issued complaints in both cases and the two cases were consolidated for further proceedings. A formal hearing was held for both cases on April 8-10, 2013.

PERB's ALJ issued his proposed decision on July 31, 2013. Regarding Case No. LA-CE-5707-E, the ALJ concluded that the District violated EERA section 3543.5(a), (b) and (c) by unilaterally imposing furlough days on the classified bargaining unit and by discriminating against certain classified bargaining unit members because of the CSEA position in bargaining. The ALJ proposed a cease and desist order and a make whole order to compensate classified bargaining unit employees for financial losses incurred as a result of unilaterally implemented furlough days during the 2011-2012 school year. Regarding Case No. LA-CO-1509-E, the ALJ concluded that the District failed to establish that CSEA had negotiated in bad faith and proposed to dismiss the complaint.

On August 20, 2013, the District timely filed exceptions. On December 26, 2013, after obtaining an extension, CSEA timely filed its response.

By facsimile transmission received on November 12, 2014, the parties tendered a joint request to dismiss with prejudice both pending cases, based on their agreement dated October 1, 2014, regarding various matters which included a provision that the parties would jointly request for dismissal with prejudice of both pending cases. We construe the joint

request as one to withdraw with prejudice the respective unfair practice charges and to dismiss with prejudice the respective PERB complaints.

The Board has the discretion to grant or deny requests to withdraw and dismiss cases pending before the Board itself. (PERB Reg. 32320(a)(2)² [“The Board itself may: . . . take such other action as it considers proper.”]; *State of California (Department of Personnel Administration)* (2010) PERB Decision No. 2152-S; *Grossmont-Cuyamaca Community College District* (2009) PERB Order No. Ad-380; *Oakland Unified School District* (1988) PERB Order No. Ad-171a; *ABC Unified School District* (1991) PERB Decision No. 831b.)

Based on the Board’s review of the parties’ joint request and the entire record in this matter, the Board finds withdrawal of the unfair practice charges and dismissal of the PERB complaints to be in the best interest of the parties and consistent with the purposes of the EERA to promote harmonious labor relations. Accordingly, the Board grants with prejudice the parties’ joint request to withdraw the unfair practice charges and dismiss the PERB complaints.

ORDER

The requests by the California School Employees Association and its Chapter 32, and the Bellflower Unified School District, to withdraw with prejudice the unfair practice charges and to dismiss with prejudice the Public Employment Relations Board complaints in Case Nos. LA-CE-5707-E and LA-CO-1509-E, are hereby GRANTED.

Chair Martinez and Member Banks joined in this Decision.

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