

**STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD**



CALIFORNIA TEAMSTERS PUBLIC,
PROFESSIONAL & MEDICAL EMPLOYEES,
LOCAL 911,

Charging Party,

v.

SOUTH COAST AIR QUALITY MANAGEMENT
DISTRICT,

Respondent.

Case No. LA-CE-834-M

PERB Decision No. 2560-M

April 11, 2018

Appearances: Law Offices of Patricia S. Waldeck by Patricia S. Waldeck, Attorney, for California Teamsters Public, Professional & Medical Employees, Local 911; Wiley Price & Radulovich by Joseph E. Wiley, Attorney, for South Coast Air Quality Management District.

Before Gregersen, Chair; Banks and Winslow, Members.

DECISION

GREGERSEN, Chair: This case is before the Public Employment Relations Board (PERB or Board) on exceptions filed by the South Coast Air Quality Management District (District) and cross-exceptions filed by the California Teamsters Public, Professional & Medical Employees, Local 911 (Teamsters) to a proposed decision by an administrative law judge (ALJ) pursuant to the Meyers-Milias-Brown Act (MMBA).¹ The complaint alleged the District violated MMBA sections 3503, 3505, 3506, 3506.5, subdivisions (a), (b) and (c), 3509, subdivision (b), and PERB Regulation 32603(a), (b) and (c)² when it failed to complete negotiations before (1) creating an Investigator I classification; (2) revising the Investigator

¹ The MMBA is codified at Government Code section 3500 et seq. All statutory references herein are to the Government Code unless otherwise specified.

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

class specifications and changing the classification title to Investigator II; and (3) revising the Supervising Investigator class specifications.

The ALJ determined that the District failed to meet and confer in good faith when it unilaterally adopted the job title and class specifications for a new classification, Investigator I, and revised the job title for its existing Investigator classification to Investigator II. By the same conduct, the ALJ also determined that the District had interfered with employee rights and denied the Teamsters its right to represent employees in their employment relations with the District. The ALJ dismissed all other allegations.

The District timely filed exceptions to the proposed decision and the Teamsters filed timely cross-exceptions.

On March 26, 2018, the parties filed with the Board a “Joint Request” to withdraw the District’s and the Teamsters’ exceptions and the unfair practice charge with prejudice, and to vacate the proposed decision. According to the Joint Request, the parties reached a settlement resolving all underlying issues in dispute. On February 23, 2018, the parties executed the final settlement agreement, a copy of which was attached to the Joint Request.

The Board has discretion to grant or deny requests to withdraw and dismiss cases pending before the Board itself. (MMBA, § 3509, subd. (a); EERA, § 3541.3, subds. (i) and (n);³ PERB Reg. 32320, subd. (a)(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.)

³ The Educational Employment Relations Act (EERA) is codified at section 3540 et seq.

The Board has a longstanding policy favoring voluntary settlement of disputes, such as achieved by the parties in this case. (*Dry Creek Joint Elementary School District (1980) PERB Order No. Ad-81a.*) Based on the Board's review of the parties' Joint Request and their settlement agreement, and the entire record in this matter, the Board finds the request to be in the best interest of the parties and consistent with the purposes of the MMBA to promote harmonious labor relations.

ORDER

The Joint Request submitted by the parties in Case No. LA-CE-834-M is GRANTED. The parties' exceptions to the proposed decision are deemed withdrawn. The complaint and underlying unfair practice charge are DISMISSED WITH PREJUDICE, and the proposed decision is hereby vacated.

Members Banks and Winslow joined in this Decision.