

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



CHILDREN OF PROMISE PREPARATORY
ACADEMY,

Employer,

and

INGLEWOOD TEACHERS ASSOCIATION,

Petitioner.

Case No. LA-RR-1213-E

Request for Stay

PERB Order No. Ad-401

October 4, 2013

Appearances: Bartsch and Haven by Duane Bartsch, Attorney, for Children of Promise Preparatory Academy; California Teachers Association by Jean Shin, Attorney, for Inglewood Teachers Association.

Before Huguenin, Winslow and Banks, Members.

DECISION AND ORDER

HUGUENIN, Member: This case is before the Public Employment Relations Board (PERB or Board) on a request filed by Children of Promise Preparatory Academy (Academy) on August 20, 2013, pursuant to PERB Regulation 32370,¹ for a Stay of Activity pending the Academy's appeal of an administrative determination (Determination) certifying Inglewood Teachers Association (ITA) as the exclusive representative of a unit of certificated employees of the Academy, pursuant to the Educational Employment Relations Act (EERA).²

PERB Regulation 32370 provides:

An appeal will not automatically prevent the Board from proceeding in a case. Parties seeking a stay of any activity may file a request for a stay with the administrative appeal which shall include all pertinent facts and justification for the request. The Board may stay the matter, except as is otherwise provided in these regulations.

¹ PERB Regulations are codified at California Code of Regulations, title 8, section 31001 et seq.

² EERA is codified at Government Code section 3540 et seq.

The Academy's submission fails to meet the requirements of our regulation. The Academy's Request for Stay asserts that the Board agent's Determination should be stayed pending appeal because the Determination prejudiced the Academy. Other than this conclusory claim of prejudice, the Academy offers no pertinent facts or justification as required under PERB Regulation 32370.

After full review of this issue, including the Academy's appeal, the Academy's Request for Stay, and ITA's opposition thereto, the Board denies the Academy's request for a stay, sufficient cause therefore not having been demonstrated.

The Academy's Request for Stay of Activity is hereby DENIED.

Members Winslow and Banks joined in this Decision.