

PUBLIC EMPLOYMENT RELATIONS BOARD

Appeals Office
1031 18th Street
Sacramento, CA 95811-4124
Telephone: (916) 322-8231
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September 9, 2014

Kenneth C. Hardy, Deputy County Counsel
San Bernardino County Public Defender
385 North Arrowhead Avenue, 4th Floor
San Bernardino, CA 92415-0140

Marianne Reinhold, Attorney
Reich, Adell, Crost & Cvitan
2670 North Main St., Suite 300
Santa Ana, CA 92705

Re: *San Bernardino County Public Attorneys Association v. County of San Bernardino*
(Office of the Public Defender)
Case No. LA-CE-431-M

San Bernardino County Public Attorneys Association v. County of San Bernardino
(Office of the Public Defender)
Case No. LA-CE-554-M

Dear Parties:

The Public Employment Relations Board (PERB or Board) itself has reviewed the County's request for oral argument in Case No. LA-CE-554-M and has decided to grant the request. Further, on the Board's own motion, the Board has consolidated the above-referenced cases pursuant to the authority vested in the Board by Government Code Section 3541.3(n).

Oral argument is scheduled for October 16, 2014 at 2:00 p.m. during a special meeting of the Board. The meeting will be held at PERB's headquarters office located at 1031 18th Street, Sacramento, CA 95811-4124. Both parties shall have the right to appear in person, by counsel or other representative, but only one counsel may argue for each separately represented party. The Board directs oral argument on the following limited issue:

“Whether the County's 2007 policy prohibiting deputy district attorneys from representing deputy public defenders in investigatory meetings was justified based on

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operational necessity and, if so, whether it was occasioned by circumstances beyond the employer's control and no alternative course of action was available.”

Board members will have reviewed the case prior to oral argument and considered all briefs previously submitted. If there is any legal authority the parties have not previously submitted, the parties shall inform the Board by letter of any supplemental legal authority the parties wish to rely on at argument. Supplemental authority refers to a legal authority not cited to in the parties' prior submissions to the Board itself. The letter shall be filed and served by October 9, 2014.

As the County of San Bernardino is the appellant with respect to Case No. LA-CE-554-M, it will have the right to open oral argument and may reserve a portion of its allotted time for rebuttal. Each party is allowed 30 minutes for argument. Questions from the Board members during argument should be anticipated.

Each party is requested to contact Regina Keith at the Chair's office to notify the Board of its intention to appear and present argument. Please do so no later than October 1, 2014. Ms. Keith's telephone number is (916) 322-8226.

Sincerely,

Teresa M. Stewart
Appeals Assistant

PROOF OF SERVICE

I declare that I am a resident of or employed in the County of Sacramento, California. I am over the age of 18 years and not a party to the within entitled cause. The name and address of my residence or business is Public Employment Relations Board, 1031 18th Street, Sacramento, CA 95811-4124.

On September 9, 2014, I served the attached letter regarding: *San Bernardino County Public Attorneys Association v. County of San Bernardino (Office of the Public Defender)*, Case No. LA-CE-431-M; *San Bernardino County Public Attorneys Association v. County of San Bernardino (Office of the Public Defender)*, Case No. LA-CE-554-M, on the parties listed below by

placing a true copy thereof enclosed in a sealed envelope for collection and delivery by the United States Postal Service or private delivery service following ordinary business practices with postage or other costs prepaid.

personal delivery.

facsimile transmission in accordance with the requirements of PERB Regulations 32090 and 32135(d).

electronic service (e-mail).

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Santa Ana, CA 92705

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on September 9, 2014, at Sacramento, California.

Teresa M. Stewart
(Type or print name)

(Signature)