



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

SERVICE EMPLOYEES INTERNATIONAL  
UNION LOCAL 721,

Charging Party,

v.

COUNTY OF RIVERSIDE,

Respondent.

Case No. LA-CE-1238-M

PERB Decision No. 2700-M

March 12, 2020

Appearances: Rothner, Segall & Greenstone by Maria Keegan Meyers, Hannah Weinstein, and Juhyung H. Lee, Attorneys, for Service Employees International Union Local 721; Liebert Cassidy Whitmore by Frances E. Rogers and Kevin J. Chicas, Attorneys, for County of Riverside.

Before Banks, Shiners, and Krantz, Members.

DECISION

BANKS, Member: This case is before the Public Employment Relations Board (PERB or Board) on exceptions filed by the County of Riverside (County) to the proposed decision of an Administrative Law Judge (ALJ). The ALJ found that the County's communications to employees regarding a strike violated the Meyers-Milias Brown Act (MMBA) sections 3503, 3506, and 3506.5, subdivisions (a) and (b), and PERB Regulation 32603, subdivisions (a), (b), and (g).<sup>1</sup>

---

<sup>1</sup> The MMBA is codified at Government Code section 3500 et seq. All statutory references are to the Government Code unless otherwise indicated. PERB Regulations are codified at California Code of Regulations, title 8, section 31001 et seq.

On February 26, 2020, while the matter was pending before the Board on the County's exceptions and Charging Party Service Employees International Union Local 721's (Local 721) cross-exceptions, the parties notified PERB that they had reached a successor memorandum of understanding and had settled this matter along with a number of other pending unfair practice charges. Based on these commitments, the parties requested to withdraw the underlying unfair practice charge with prejudice, dismiss the corresponding complaint, and close the administrative case.<sup>2</sup>

The Board has discretion to grant or deny requests to withdraw and dismiss cases pending before the Board itself. (§§ 3509, subd. (a), 3541.3, subds. (i) and (n); PERB Reg. 32320, subd. (a)(2) ["The Board itself may . . . [¶] . . . take such other action as it considers proper."]; *Sanitation Districts of Los Angeles County* (2019) PERB Decision No. 2656-M, p. 2 (*Sanitation Districts*); *City of Santa Rosa (Fire Department)* (2019) PERB Decision No. 2653-M, p. 2 (*Santa Rosa*); *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.)

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.) While the Board has on occasion denied a

---

<sup>2</sup> The Board treats this as a joint request to withdraw the underlying unfair practice charge and the related exceptions and cross-exceptions.

request to withdraw an unfair practice charge, e.g. in order to avoid infringing on statutory rights (*Lake Elsinore Unified School District* (2019) PERB Decision No. 2633, p. 1, fn. 1), no such circumstances appear to be present here. Rather, based on the Board's review of the parties' settlement agreement, and the entire record in this matter, the Board finds granting the request to be in the best interest of the parties and consistent with the purposes of the MMBA to promote harmonious labor relations. (*Sanitation Districts, supra*, PERB Decision No. 2656-M, p. 2; *Santa Rosa, supra*, PERB Decision No. 2653-M, p. 2.) Moreover, none of the settlement's terms requires employees to release future rights, such as the right to file PERB charges, or otherwise offends the policies and purposes of the MMBA. For these reasons, we grant the parties' joint request to withdraw Local 721's charge with prejudice.

#### ORDER

The request by Service Employees International Union Local 721 (Local 721) and the County of Riverside (County) to withdraw the unfair practice charge in Case No. LA-CE-1238-M is hereby GRANTED. The County's exceptions and Local 721's cross-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 Shiners and Krantz joined in this Decision.