



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

CORINTHIA WILLIAMS,

Charging Party,

v.

CALIFORNIA SCHOOL EMPLOYEES
ASSOCIATION,

Respondent.

Case No. LA-CO-1778-E

PERB Decision No. 2725

May 27, 2020

Appearances: Law Office of Dennis L. Kennelly by Dennis L. Kennelly, Attorney, for Corinthia Williams; Andrew J. Kahn, Chief Counsel, for California School Employees Association.

Before Shiners, Krantz, and Paulson, Members.

DECISION¹

KRANTZ, Member: This case is before the Public Employment Relations Board (PERB or Board) on appeal from a dismissal issued by PERB's Office of the General Counsel (OGC). Corinthia Williams (Williams), an employee of Colton Joint Unified School District (District), filed the underlying unfair practice charge against the union that exclusively represents District employees in specified classified positions,

¹ Subdivision (d) of PERB Regulation 32320, as amended effective April 1, 2020, permits a majority of Board members issuing any decision or order to designate all or part of such decision or order as non-precedential. Based on all relevant circumstances, including the criteria set forth in Regulation 32320, subdivision (d), we designate the instant decision as non-precedential. (PERB Regulations are codified at Cal. Code Regs., tit. 8, § 31001 et seq.)

California School Employees Association (CSEA). The charge, as amended, alleged that CSEA breached its duty of fair representation under the Educational Employment Relations Act (EERA)² by declining to represent Williams at a non-contractual hearing challenging her termination. In her amended charge, Williams challenged CSEA's determination that the merits of her case were weak, asserting, among other allegations, that the District had falsely accused her of striking a student.

OGC dismissed the amended charge for failing to state a prima facie case. As part of this finding, OGC noted that CSEA did not owe Williams a duty to represent her in her disciplinary hearing, as the duty of fair representation is limited to contractually-based procedures under the union's exclusive control. Moreover, even assuming Williams had sufficiently alleged that CSEA owed Williams a duty to represent her in the extra-contractual forum, OGC found that Williams failed to plead facts that, if proven, would show that CSEA's decision was arbitrary, discriminatory, or in bad faith.

The Board has reviewed the record and the parties' arguments. We agree with the analysis set forth in the warning letter and dismissal letter and note that Williams' appeal does not directly challenge OGC's analysis. Williams instead relies on a new allegation in her appeal, viz., that CSEA prejudiced her case when it reiterated its decision not to represent her only 12 days before her hearing, leaving her inadequate time to prepare. We reject this new argument on both procedural and substantive grounds. Williams has not shown good cause for raising a new allegation on appeal

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

(PERB Reg. 32635, subd. (b)), and in any event her new allegation, if proven true, would be insufficient to establish a breach of the duty of fair representation.

Accordingly, we affirm OGC's dismissal.

ORDER

The amended unfair practice charge in Case No. LA-CO-1778-E is DISMISSED WITHOUT LEAVE TO AMEND.

Members Shiners and Paulson joined in this Decision.