

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



JOEL BAKER,)
)
Charging Party,) Case No. SF-CO-361
)
v.) PERB Decision No. 827
)
OAKLAND EDUCATION ASSOCIATION,) July 10, 1990
)
Respondent.)
_____)

Appearances: Joel Baker, on his own behalf; California Teachers Association by A. Eugene Huguenin, Jr., Attorney, for Oakland Education Association.

Before Craib, Camilli and Cunningham, Members.

DECISION

CRAIB, Member: This case is before the Public Employment Relations Board (PERB or Board) on an appeal by Joel Baker, of the dismissal of his unfair practice charge against the Oakland Education Association (Association). A Board agent dismissed four of Baker's seven allegations as untimely. The remaining three allegations, which assert that the Association breached its duty of fair representation by failing to file grievances on Baker's behalf, were dismissed for failure to allege facts which indicate the Association's actions were arbitrary, discriminatory, or in bad faith. (See, e.g., Rocklin Teachers Professional Association (Romero) (1980) PERB Decision No. 124.)

Baker's appeal, in its entirety, consists of the following:

I am hereby filing an appeal to the above referenced case number SF-CO-361. I am seeking that this case is transferred to the Superior Court of California [sic].

PERB Regulation 32635,¹ which governs review of dismissals, states, in pertinent part:

The appeal shall:

- (1) State the specific issues of procedure, fact, law or rationale to which the appeal is taken;
- (2) Identify the page or part of the dismissal to which each appeal is taken;
- (3) State the grounds for each issue stated.

Baker's appeal fails to meet the requirements of Regulation 32635. The appeal provides no indication of what portions of the dismissal Baker challenges, or the grounds for such challenge. Compliance with regulations governing appeals is required to afford the respondent and the Board an adequate opportunity to address the issues raised, and noncompliance will warrant dismissal of the appeal. (Los Angeles Unified School District (Mindel) (1989) PERB Decision No. 785, at p. 2; California State Employees Association (O'Connell) (1989) PERB Decision No. 726-H, at p. 3.) The Board therefore rejects the appeal and affirms the Board agent's dismissal.

Baker's request that this case be transferred to the Superior Court of California is inappropriate, as this case is properly before the Board. Pursuant to section 3541.5 of the

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

Educational Employment Relations Act (EERA),² the Board has exclusive initial jurisdiction to determine whether charges of unfair practices are justified and, if so, what remedy is appropriate. In addition, EERA section 3542 provides, in pertinent part:

(b) Any charging party, respondent, or intervenor aggrieved by a final decision or order of the board in an unfair practice case, except a decision of the board not to issue a complaint in such a case, may petition for a writ of extraordinary relief from such decision or order.

(c) Such petition shall be filed in the district court of appeal in the appellate district where the unit determination or unfair practice dispute occurred.
(Emphasis added.)

ORDER

The unfair practice charge in Case No. SF-CO-361 is hereby DISMISSED WITHOUT LEAVE TO AMEND.

Members Camilli and Cunningham joined in this Decision.

²EERA is codified at Government Code section 3540 et seq. Unless otherwise indicated, all statutory references herein are to the Government Code.