

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



CALIFORNIA TEACHERS ASSOCIATION/NEA,

Charging Party,

v.

JOURNEY CHARTER SCHOOL,

Respondent.

Case No. LA-CE-4808-E

Remand from Court

PERB Decision No. 1945a

June 2, 2009

Before McKeag, Neuwald and Wesley, Members.

DECISION AND ORDER

WESLEY, Member: This case is before the Public Employment Relations Board (PERB or Board) on remand from the Court of Appeal. The California Teachers Association/NEA (CTA) alleged in its unfair practice charge, inter alia, that Journey Charter School (JCS) violated the Educational Employment Relations Act (EERA)¹ when it refused to renew the teaching contracts of three teachers because they engaged in protected activity.

In *Journey Charter School* (2008) PERB Decision No. 1945, the Board dismissed the charge and complaint finding that JCS had not retaliated against the three teachers. CTA appealed. In *California Teachers Association v. Public Employment Relations Board* (2009) 169 Cal.App.4th 1076, the Court of Appeal disagreed with the Board, concluding that the teachers' employment contracts were terminated in violation of the EERA. The Court of Appeal remanded the case to PERB to issue an order consistent with its decision. Accordingly, pursuant to the Court of Appeal's decision, the Board issues this decision vacating PERB

¹ EERA is codified at Government Code section 3540 et seq. Unless otherwise indicated, all statutory references herein are to the Government Code.

Decision No. 1945. Further, pursuant to EERA section 3541.5(c),² it is hereby ORDERED that Journey Charter School (JCS) and its representatives shall:

A. CEASE AND DESIST FROM:

1. Retaliating against employees because of their exercise of protected activities.

B. TAKE THE FOLLOWING AFFIRMATIVE ACTIONS DESIGNED TO EFFECTUATE THE PURPOSES OF THE EERA:

1. Make Stephanie Edwards, Paola Schouten and Marlene Nicholas whole by offering them reinstatement as teachers, and pay them back pay with interest at the rate of seven (7) percent per annum for all wages lost from the date of the non-renewal of their contracts to the date the offer of reinstatement is made.

2. Within ten (10) workdays following the date this Decision is no longer subject to appeal, post at all work locations where notices to employees are customarily posted, copies of the Notice attached hereto as an Appendix. The Notice must be signed by an authorized agent of JCS, indicating that JCS will comply with the terms of this Order. Such posting shall be maintained for a period of thirty (30) consecutive workdays. Reasonable steps shall be taken to ensure that the Notice is not reduced in size, altered, defaced or covered with any other material.

² EERA section 3541.5(c) states:

The board shall have the power to issue a decision and order directing an offending party to cease and desist from the unfair practice and to take such affirmative action, including but not limited to the reinstatement of employees with or without back pay, as will effectuate the policies of this chapter.

3. Written notification of the actions taken to comply with this Order shall be made to the General Counsel of PERB, or the General Counsel's designee. JCS shall provide reports, in writing, as directed by the General Counsel or her designee. All reports regarding compliance with this Order shall be concurrently served on the California Teachers Association/NEA.

Members McKeag and Neuwald joined in this Decision.



**NOTICE TO EMPLOYEES
POSTED BY ORDER OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD
An Agency of the State of California**

After a hearing before the Public Employment Relations Board in Unfair Practice Case No. LA-CE-4808-E, *California Teachers Association/NEA v. Journey Charter School*, in which all parties had the right to participate, and following the decision of the Court of Appeal in *California Teachers Association v. Public Employment Relations Board* (2009) 169 Cal.App.4th 1076, it has been found that the Journey Charter School violated the Educational Employment Relations Act (EERA), Government Code section 3540 et seq. by deciding not to renew the employment contracts of Stephanie Edwards (Edwards), Paola Schouten (Schouten) and Marlene Nicholas (Nicholas) because they engaged in protected activities.

As a result of this conduct, we have been ordered to post this Notice and we will:

A. CEASE AND DESIST FROM:

1. Retaliating against employees because of their exercise of protected activities.

B. TAKE THE FOLLOWING AFFIRMATIVE ACTIONS DESIGNED TO EFFECTUATE THE POLICIES OF THE EERA:

1. Make Edwards, Schouten and Nicholas whole by offering them reinstatement as teachers, and pay them back pay with interest at the rate of seven (7) percent per annum for all wages lost from the date of the non-renewal of their contracts to the date the offer of reinstatement is made.

Dated: _____

JOURNEY CHARTER SCHOOL

By: _____
Authorized Agent

THIS IS AN OFFICIAL NOTICE. IT MUST REMAIN POSTED FOR AT LEAST THIRTY (30) CONSECUTIVE WORKDAYS FROM THE DATE OF POSTING AND MUST NOT BE REDUCED IN SIZE, DEFACED, ALTERED OR COVERED WITH ANY OTHER MATERIAL.