

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



OAKLAND UNIFIED SCHOOL DISTRICT,)
)
Employer,)
)
and) Case No. SF-D-169
)
UNITED TEACHERS OF OAKLAND, AFT)
LOCAL #771,) Administrative Appeal
)
Petitioner,) PERB Order No. Ad-171
)
and) June 29, 1983
)
OAKLAND EDUCATION ASSOCIATION,)
CTA/NEA)
)
Exclusive Representative.)
_____)

Appearance; Ramon E. Romero, California Teachers Association,
for Oakland Education Association, CTA/NEA.

Before Hesse, Chairperson; Craib and Shank, Members.

ORDER

The Oakland Education Association has requested that it be permitted to withdraw its appeal and request for stay of the decertification election in the above-entitled case. As noted by a number of reviewing courts, when an appeal involves a matter of continuing public interest, and when the precedential ruling will be instructive to all parties similarly situated, the reviewing body should, when considering a request to withdraw, exercise discretion in the interest of justice. (See G. C. DeGarmo v. A. Goldman (1942) 19 Cal.2d 755; Village Escrow Company v. National Union Fire Insurance Company (1988) Cal.App. LEXIS 568; Susan Garfinkle v. Wells Fargo Bank (1982)

135 Cal.App.3d 514; 9 Witkin Cal. Procedure (3d Ed. 1985) Appeal sec. 505-506.) Because of the significant legal issues presented by this appeal, and the fact that the representation rights of over 700 employees are at issue, we decline to dismiss the appeal.

As to the stay, the Public Employment Relations Board (Board) believes that the counting of ballots at this stage could prejudice the rights of the affected employees. Therefore, the Board on its own motion hereby ORDERS that the ballots remain impounded and that the election be stayed until the appeal is decided by the Board.

By the BOARD