

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



SANTA ANA EDUCATORS ASSOCIATION,)
)
Charging Party,) Case No. LA-CE-3382
)
v.) Stay of Hearing
)
SANTA ANA UNIFIED SCHOOL DISTRICT,) PERB Order No. Ad-256
)
Respondent.) May 20, 1994
_____)

Appearance: Breon, O'Donnell, Miller, Brown & Dannis by
Laurie S. Juengert, Attorney, for Santa Ana Unified School
District.

Before Blair, Chair; Caffrey and Johnson, Members.

DECISION AND ORDER

BLAIR, Chair: This case is before the Public Employment Relations Board (PERB or Board) on a request for stay of the hearing which was filed by the Santa Ana Unified School District (District).

A formal hearing before a PERB administrative law judge (ALJ) on the unfair labor practice complaint in this case is scheduled to begin on May 23, 1994. On May 19, 1994, the ALJ denied the District's motion to dismiss the complaint and defer the matter to the grievance and arbitration procedure in the parties' collective bargaining agreement. The ALJ ordered the hearing to proceed as scheduled.

On May 19, 1994, the District filed the instant request for a stay of the hearing, indicating its intent to appeal the ALJ's denial of its motion.

The filings of any appeal of the ALJ's order and any response thereto would not be complete before the hearing is scheduled to begin. As the District has indicated its intent to appeal the ALJ's order, a stay of the hearing is appropriate in that the hearing may be unnecessary should the Board reverse the ALJ's ruling.

In the interest of economy, the Board ORDERS that the hearing in Santa Ana Unified School District, Case No. LA-CE-3382, be STAYED pending the Board's consideration of any appeal of the ALJ's order denying the District's motion to dismiss and defer the complaint to binding arbitration.

Members Caffrey and Johnson joined in this Decision.