

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



HOWARD S. MORROW,)	
)	
Charging Party,)	Case No. S-CO-54-S
)	
V.)	PERB Decision No. 568-S
)	
CALIFORNIA STATE EMPLOYEES')	April 18, 1986
ASSOCIATION,)	
)	
Respondent.)	

Appearances: Howard S. Morrow, on his own behalf; Howard Schwartz, Attorney for California State Employees' Association.

Before Hesse, Chairperson; Morgenstern and Burt, Members.

DECISION AND ORDER

MORGENSTERN, Member: This case is before the Public Employment Relations Board (PERB or Board) on appeal of a dismissal by a Board agent of an unfair practice charge. Charging Party, Howard S. Morrow, alleges that Respondent, California state Employees' Association, violated section 3519.5(b) of the State Employer-Employee Relations Act¹ by failing to properly represent him in a grievance and by failure to pursue other remedies on his behalf.

On April 9, 1986, the general counsel of this agency requested that this case be remanded for further investigation. The Board has adopted a procedure whereby the

¹The State Employer-Employee Relations Act is codified at Government Code section 3512 et seq.

general counsel conducts a routine review of cases dismissed by Board agents. As the Board noted in response to a similar request in state of California (Employment Development Department) (1985) PERB Decision No. 483-S, the purpose of the review procedure is to minimize, and hopefully eliminate, appellate litigation prompted by inadequacies in the processing of unfair practice charges. A request for remand reflects the general counsel's reasoned conclusion that further investigation would serve that purpose.

As the Board further noted in State of California, supra:

Barring those instances where a charge unequivocally fails to state a prima facie case, or conversely, where it clearly requires issuance of a complaint, there would be little purpose to the Board's policy if the General Counsel's request for remand were given short shrift.

We conclude that the request for remand should be granted. Therefore, upon review of the entire record, we find that the case is appropriately REMANDED to the general counsel for further investigatory proceedings. It is so ORDERED.

Chairperson Hesse and Member Burt joined in this Decision.