

STATE OF CALIFORNIA  
DECISION OF THE  
PUBLIC EMPLOYMENT RELATIONS BOARD



|   |   |                          |
|---|---|--------------------------|
| CALIFORNIA CORRECTIONAL PEACE OFFICERS ASSOCIATION, | ) |                          |
|   | ) |                          |
| Charging Party,                                     | ) | Case No. SA-CE-915 -S    |
|   | ) |                          |
| v.  | ) | PERB Decision No. 1272-S |
|   | ) |                          |
| STATE OF CALIFORNIA (DEPARTMENT OF CORRECTIONS),    | ) | July 1, 1998             |
|   | ) |                          |
| Respondent.   | ) |                          |
| <hr/>   |   |                          |

Appearances: Joel H. Levinson, Attorney, for California Correctional Peace Officers Association; State of California (Department of Personnel Administration) by Timothy G. Yeung, Legal Counsel, for State of California (Department of Corrections).

Before Caffrey, Chairman; Johnson, Amador and Jackson, Members.

DECISION

JACKSON, Member: This case is before the Public Employment Relations Board (Board) on appeal by the State of California (Department of Corrections) (Department) and the California Correctional Peace Officers Association (Association), from an administrative law judge's (ALJ) proposed decision. The ALJ found that: (1) the Department discriminated against Correctional Officer John Baird (Baird) in violation of section 3519(a) of the Ralph C. Dills Act (Dills Act) by disciplining him for his refusal to transport an inmate who had tuberculosis; and (2) the Department did not violate section 3519(a) and (b) of the Dills Act by reprimanding Baird for discourtesy when Baird made openly

harsh remarks toward his supervisor during a private discussion about a grievance.<sup>1</sup>

The Association informed the Board by letter dated June 4, 1998 that the matter had been settled by the parties. The Department confirmed this settlement in a letter to the Board dated June 19, 1998. Accordingly, the Association requests withdrawal of the unfair practice charge, with prejudice and that the Board dismiss the complaint. Having considered the request, the Board concurs that it is in the best interest of the parties and consistent with the purposes of the Dills Act to grant the request for withdrawal.

ORDER

It is hereby ORDERED that the exceptions are withdrawn, the proposed decision is VACATED, and the unfair practice charge and complaint in Case No. SA-CE-915-S are DISMISSED.

Chairman Caffrey and Members Johnson and Amador joined in this Decision.

---

<sup>1</sup>The Dills Act is codified at Government Code section 3512 et seq. Section 3519 provides, in pertinent part:

It shall be unlawful for the state to do any of the following:

(a) Impose or threaten to impose reprisals on employees, to discriminate or threaten to discriminate against employees, or otherwise to interfere with, restrain, or coerce employees because of their exercise of rights guaranteed by this chapter. For purposes of this subdivision, "employee" includes an applicant for employment or reemployment.

(b) Deny to employee organizations rights guaranteed to them by this chapter.