

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



TURLOCK TEACHERS ASSOCIATION,

Charging Party,

v.

TURLOCK JOINT ELEMENTARY SCHOOL
DISTRICT,

Respondent.

Case No. SA-CE-2003-E

Remand from Court

PERB Decision No. 1490a

February 19, 2004

Appearances: California Teachers Association by Priscilla Winslow, Attorney, for Turlock Teachers Association; Currier & Hudson by Richard J. Currier, Attorney, for Turlock Joint Elementary School District.

Before Baker, Whitehead and Neima, Members.

DECISION

NEIMA, Member: The Public Employment Relations Board (PERB or Board) issued its PERB Decision No. 1490 on July 17, 2002, finding that the Turlock Joint Elementary School District (District) violated the Educational Employment Relations Act (EERA)¹ by prohibiting teachers represented by the Turlock Teachers Association (Association) from wearing buttons in their classrooms to support Association's bargaining demands. On August 6, 2002, the District appealed this decision to the Fifth District Court of Appeal. On October 2, 2003, the Court of Appeal issued a published decision vacating the Board's decision and ordering the Board to issue a new decision dismissing the complaint and the underlying unfair practice charge.

¹EERA is codified at Government Code section 3540 et seq.

On November 7, 2003, the Board filed a petition for review with the California Supreme Court seeking to overturn the Court of Appeal's decision. On January 22, 2004, the Supreme Court denied the Board's petition for review and ordered the Court of Appeal opinion to be de-published. Accordingly, pursuant to the Court of Appeal's decision, the Board now issues this decision dismissing the Association's unfair practice charge.

ORDER

The unfair practice charge in Case No. SA-CE-2003-E is hereby DISMISSED WITHOUT LEAVE TO AMEND.

Members Baker and Whitehead joined in this Decision.