

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



SAN FRANCISCO INSTITUTIONAL POLICE
OFFICERS' ASSOCIATION,

Charging Party,

v.

CITY & COUNTY OF SAN FRANCISCO,

Respondent.

Case No. SF-CE-256-M

PERB Decision No. 1779-M

October 7, 2005

Appearances: Mark R. Kruger, Attorney, for San Francisco Institutional Police Officers' Association.

Before Duncan, Chairman; Whitehead and Shek, Members.

DECISION

DUNCAN, Chairman: This case is before the Public Employment Relations Board (PERB or Board) on appeal by the San Francisco Institutional Police Officers' Association (Association) of a Board agent's dismissal of its unfair practice charge. The charge alleges that the City & County of San Francisco violated the Meyers-Milias-Brown Act (MMBA)¹ by unilaterally changing past practices.

On September 29, 2005, the PERB General Counsel requested that this case be remanded for further processing. With that request, he noted that the Association did in fact file an amendment in response to the warning letter that was timely received at PERB on August 16, 2005, but was not forwarded to the assigned Board agent until after the dismissal letter issued.

¹The MMBA is codified at Government Code section 3500, et seq.

The Board has adopted a procedure whereby the General Counsel reviews cases dismissed by Board agents. As explained in similar requests from the General Counsel (Santa Ana Educators Association (2005) PERB Decision No. 1776; California School Employees Association and its Chapter #302 (Lauer) (1990) PERB Decision No. 809; California State Employees' Association (Morrow) (1986) PERB Decision No. 568-S), the purpose of the review is to minimize and reduce appellate litigation caused by inadequate handling in the processing of unfair practice charges. The request for remand is based on the General Counsel's conclusion that (1) further investigation would serve that purpose, (2) it would be the most efficient method for review of this case, and (3) based on Hartnell Community College District (2000) PERB Decision No. 1405 (Hartnell). In Hartnell, as here, the Board agent stated in the dismissal letter he had not received an amended complaint. Here, the appeal filed September 1, 2005, indicates that an amendment was timely filed and this is documented by the General Counsel. As in Hartnell, we believe the case is appropriate for remand to the Board agent for further processing.

ORDER

Upon review of the entire record, the Board ORDERS that Case No. SF-CE 256-M be REMANDED to the General Counsel for further processing.

Members Whitehead and Shek joined in this Decision.