

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



CALIFORNIA FACULTY ASSOCIATION,

Charging Party,

v.

TRUSTEES OF THE CALIFORNIA STATE
UNIVERSITY,

Respondent.

Case No. LA-CE-784-H

Remand from Court

PERB Decision No. 1823a-H

February 14, 2008

Appearances: Rothner, Segall & Greenstone by Bernhard Rohrbacher, Attorney, for California Faculty Association; Donald A. Newman, University Counsel, for Trustees of the California State University.

Before Neuwald, Chair; McKeag and Rystrom, Members.

DECISION

NEUWALD, Chair: The Public Employment Relations Board (PERB or Board) issued PERB Decision No. 1823-H on February 23, 2006, finding that the Trustees of the California State University (CSU) violated the Higher Education Employer-Employee Relations Act (HEERA)¹ by conditioning agreement of the parties' memorandum of understanding on the waiver of a statutory right. On March 24, 2006, CSU appealed the Board's decision to the Court of Appeal, Second Appellate District. On September 26, 2007, the Court of Appeal issued a published decision directing the Board to vacate its decision and to enter a new and different order denying the California Faculty Association's (CFA) charge. (Board of Trustees of California State University v. Public Employment Relations Bd. (2007) 155 Cal.App.4th 866.) On November 2, 2007, CFA filed a petition for review with the California Supreme Court seeking to overturn the Court of Appeal's decision. On December 12, 2007, the

¹HEERA is codified at Government Code section 3560, et seq.

Supreme Court denied CFA's petition for review. On January 24, 2008, the Court of Appeal's decision in this matter became final. Accordingly, pursuant to the Court of Appeal's decision, the Board now issues this decision vacating PERB Decision No. 1823-H and dismissing CFA's unfair practice charge.

ORDER

The unfair practice charge and complaint in Case No. LA-CE-784-H is hereby
DISMISSED WITHOUT LEAVE TO AMEND.

Members McKeag and Rystrom joined in this Decision.