STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, LOCAL 3299, Charging Party, v. REGENTS OF THE UNIVERSITY OF CALIFORNIA (SAN FRANCISCO), Respondent.	Case No. SF-CE-708-H PERB Decision No. 1869-H December 15, 2006

Appearances: Rothner, Segall & Greenstone by Bernhard Rohrbacher, Attorney, for American Federation of State, County and Municipal Employees, Local 3299; Jesse S. Drucker, Labor/Employee Relations Manager, for Regents of the University of California (San Francisco).

Before Duncan, Chairman; Shek and McKeag, Members.

DECISION

McKEAG, Member: This case comes before the Public Employment Relations Board (PERB or Board) on appeal by the Regents of the University of California (San Francisco) (Regents) of a proposed decision by an administrative law judge (ALJ). The ALJ concluded the Regents violated section 3571(a) and (c) of the Higher Education Employer-Employee Relations Act (HEERA)[1] when it unilaterally implemented a five percent (5%) salary increase for certain employees represented by the American Federation of State, County and Municipal Employees, Local 3299 (AFSCME). The ALJ further found the Regents violated HEERA section 3571(a) and (c) when it directly announced to these employees the implementation of the salary increase and also took sole credit for the increase.

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

AFSCME notified the Board that the parties have settled their dispute and requested the withdrawal of its unfair practice charge. In a letter served on the parties on November 7, 2006, the Board requested either that the parties provide a copy of the signed settlement agreement, or that the Regents confirm the settlement, within ten (10) days of service of the letter. Because the Board has not received a response, we hereby exercise our discretion under ABC Unified School District (1991) PERB Decision No. 831b to permit withdrawal of the charge.

Having reviewed the record in this matter, the Board finds the withdrawal to be in the best interests of the parties and to be consistent with the purposes of HEERA. Accordingly, the Board grants the withdrawal.

ORDER

The request by the American Federation of State, County and Municipal Employees, Local 3299 to withdraw the unfair practice charge in Case No. SF-CE-708-H is hereby GRANTED. Accordingly, the appeal and unfair practice charge are WITHDRAWN.

Chairman Duncan and Member Shek joined in this Decision.