

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



TEAMSTERS LOCAL 381,

Charging Party,

v.

CITY OF LOMPOC,

Respondent

Case No. LA-CE-265-M

PERB Decision No. 1879-M

January 11, 2007

Appearance: Patricia S. Waldeck, Attorney, for Teamsters Local 381.

Before Duncan, Chairman; Shek and Neuwald, Members.

DECISION

SHEK, Member: This case comes before the Public Employment Relations Board (PERB or Board) on appeal by Teamsters Local 381 (Teamsters) of a Board agent's dismissal of its unfair practice charge. The charge alleged that the City of Lompoc violated the Meyers-Milias-Brown Act (MMBA)¹ by failing to provide certain requested documents unless the Teamsters agreed to pay the photocopying charge. The Teamsters alleged that this conduct constituted a violation of MMBA sections 3503, 3505, and PERB Regulation 32603(b) and (c).²

By letter dated August 21, 2006, the Teamsters informed the Board that the parties had entered into a settlement agreement on August 2, 2006 in a related unfair practice charge, Case No. LA-CO-38-M, and that as part of that settlement agreement, the Teamsters had agreed to withdraw its unfair practice charge in this matter. Enclosed with its letter was a copy of the

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

²PERB regulations are codified at California Code of Regulations, title 8, section 31001, et seq.

August 2, 2006 settlement agreement. We hereby construe the Teamsters' letter to the Board as a request to withdraw its unfair practice charge and appeal with prejudice.

PERB has the authority under Regulation 32320(a)(2) to allow withdrawal of the charge. (ABC Unified School District (1991) PERB Decision No. 831b.) The Board reviews each request for withdrawal to determine whether granting it will effectuate the purposes of the governing statute. (Trustees of the California State University (2003) PERB Decision No. 1514-H, citing Orange Unified School District (2001) PERB Decision No. 1437.) In this case, the parties have settled their dispute and both agree to withdraw the unfair practice charge. Allowing withdrawal of the unfair practice charge would effectuate the purposes of the MMBA, including promoting communication between public employers and employees. Having reviewed the record in this matter, the Board finds it appropriate to grant the Teamsters' request to withdraw its unfair practice charge and appeal with prejudice.

ORDER

The request to withdraw Teamsters Local 38I's unfair practice charge and appeal in Case No. LA-CE-265-M, with prejudice, is hereby GRANTED.

Chairman Duncan and Member Neuwald joined in this Decision.