STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD

CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION & ITS CHAPTER 354, Charging Party, v. RED BLUFF UNION HIGH SCHOOL DISTRICT, Respondent.	Case No. SA-CE-2480-E PERB Decision No. 2193 August 5, 2011

Appearances: Joan Nevarez, Labor Relations Representative, and David J. Doloff, Attorney, for California School Employees Association & its Chapter 354; Kronick, Moskovitz, Tiedemann & Girard by Chelsea R. Olson, Attorney, for Red Bluff Union High School District.

Before Martinez, Chair; McKeag and Dowdin Calvillo, Members.

DECISION

McKEAG, Member: This case comes before the Public Employment Relations Board (PERB or Board) on appeal by the California School Employees Association & its Chapter 354 (CSEA) of a dismissal of an unfair practice charge by an administrative law judge. The charge alleged that the Red Bluff Union High School District (District) violated the Educational Employment Relations Act (EERA),[1] when its management recommended that the District's Board of Trustees not ratify a tentative agreement previously reached by the parties. CSEA alleged that this conduct constituted a violation of EERA section 3543.5(a), (b) and (c).

By letter dated July 8, 2011, CSEA notified the Board that the parties had settled the dispute, and requested the withdrawal of the complaint and underlying charge.

[1] EERA is codified at Government Code section 3540 et seq. Unless otherwise indicated, all statutory references herein are to the Government Code.

PERB has long held that the Board has the discretion to grant or deny requests to withdraw and dismiss cases pending before the Board itself. (*State of California (Department of Personnel Administration)* (2010) PERB Decision No. 2152-S.) In the instant case, the Board has reviewed the entire record and finds the withdrawal to be in the best interests of the parties and to be consistent with the purposes of EERA. Accordingly, CSEA' s request for withdrawal is granted.

ORDER

The Board hereby GRANTS the request by the California School Employees Association & its Chapter 354 to withdraw its unfair practice charge in Case No. SA-CE-2480-E, DISMISSES the complaint, and VACATES the proposed decision dated October 15, 2009.

Chair Martinez and Member Dowdin Calvillo joined in this Decision.