

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



CALIFORNIA CORRECTIONAL PEACE
OFFICERS ASSOCIATION,

Charging Party,

v.

STATE OF CALIFORNIA (DEPARTMENT OF
PERSONNEL ADMINISTRATION/
DEPARTMENT OF CORRECTIONS AND
REHABILITATION),

Respondent.

Case No. SA-CE-1688-S

PERB Decision No. 2197-S

August 22, 2011

Appearances: Carroll, Burdick & McDonough by Gregg McLean Adam and Jonathan Yank, Attorneys, for California Correctional Peace Officers Association; David W. Tyra, Todd M. Ratshin and Heather N. Bendinelli, Attorneys, for State of California (Department of Personnel Administration/Department of Corrections and Rehabilitation).

Before Martinez, Chair; McKeag and Huguenin, Members.

DECISION

HUGUENIN, Member: This case is before the Public Employment Relations Board (PERB or Board) on appeal by the State of California (Department of Personnel Administration/Department of Corrections and Rehabilitation) (DPA/DCR) of a proposed decision of an administrative law judge. The charge alleged that the DPA/DCR violated the Ralph C. Dills Act (Dills Act)¹ by failing on four separate occasions to execute a writing

¹ The Dills Act is codified at Government Code section 3512 et seq. Unless otherwise indicated, all statutory references herein are to the Government Code.

memorializing an agreement reached. The California Correctional Peace Officers Association (CCPOA) alleged that this conduct constituted a violation of Dills Act section 3519(a), (b), and (c).

By letter dated August 10, 2011, the parties notified PERB that they settled the case and requested dismissal of the matter.² PERB has long held that the Board retains the discretion to approve or disapprove requests to withdraw or dismiss cases pending before the Board itself. (PERB Regulation 32320(a)(2);³ *ABC Unified School District* (1991) PERB Decision No. 831b; *Oakland Unified School District* (1983) PERB Order No. Ad-171.)

We have reviewed the entire record and find the settlement of this case is in the best interests of the parties and consistent with PERB law. Accordingly, based on the parties' settlement agreement and request, the Board, in the exercise of its discretion, agrees to the withdrawal by DPA/DCR of its exceptions and to consider CCPOA's charge withdrawn. Moreover, the Board further agrees to dismiss the complaint and to vacate the proposed decision.

² Paragraph 3 of the parties' settlement agreement attached to the August 10, 2011 letter states: "The parties agree to inform PERB of this Settlement Agreement and jointly request that no decision be rendered by the Board in this case. The parties further agree that the ALJ's Proposed Decision is of no force and effect and shall be replaced by this Agreement, as shall any potential decision by the Board in this case, at least as between these parties."

³ PERB regulations are codified at California Code of Regulations, title 8, section 31001 et seq.

ORDER

The parties' request to withdraw and dismiss the State of California (Department of Personnel Administration/Department of Corrections and Rehabilitation)'s appeal and to VACATE the proposed decision in Case No. SA-CE-1688-S is hereby GRANTED. The charge is considered WITHDRAWN and the complaint is DISMISSED.

Chair Martinez and Member McKeag joined in this Decision.