

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



COALITION OF UNIVERSITY EMPLOYEES,
LOCAL 4,

Charging Party,

v.

REGENTS OF THE UNIVERSITY OF
CALIFORNIA (LOS ANGELES),

Respondent.

Case No. LA-CE-1069-H

PERB Decision No. 2257-H

April 25, 2012

Appearances: Beeson, Tayer & Bodine by Jason Rabinowitz, Attorney, for Coalition of University Employees, Local 4; Burke, Williams & Sorensen by Ellen J. Shadur, Attorney, for Regents of the University of California (Los Angeles).

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

DECISION

MARTINEZ, Chair: This case is before the Public Employment Relations Board (PERB or Board) on exceptions filed by the Coalition of University Employees (CUE) and cross-exceptions filed by the Regents of the University of California (Los Angeles) (UCLA) to a proposed decision of an administrative law judge (ALJ). The complaint, and underlying unfair practice charge, alleged that UCLA violated the Higher Education Employer-Employee Relations Act (HEERA)¹ by unilaterally changing job descriptions and performance standards of certain employees without having afforded CUE prior notice and opportunity to meet and confer in good faith over the decision to implement the changes and/or the effects of the changes on the employees. After a formal hearing, on February 28, 2011, the ALJ issued a proposed decision finding that UCLA did not commit an unlawful unilateral change and dismissing the complaint and underlying unfair practice charge. Both CUE and UCLA filed

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

exceptions to the ALJ's proposed decision.² By letter dated April 3, 2012, CUE notified the Board that it wished to withdraw the unfair practice charge in this matter with prejudice pursuant to a global settlement agreement between the parties.

The Board has discretion to grant or deny requests to withdraw and dismiss cases pending before the Board itself. (PERB Reg. 32320, subd. (a)(2) ["The Board itself may . . . take such other action as it considers proper."]; *State of California (Department of Personnel Administration)* (2010) PERB Decision No. 2152-S; *Grossmont-Cuyamaca Community College District* (2009) PERB Order No. Ad-380; *Oakland Unified School District* (1988) PERB Order No. Ad-171; *ABC Unified School District* (1991) PERB Decision No. 831b.)

Based on our review of CUE's letter and the entire record in this matter, the Board finds withdrawal of the unfair practice charge to be in the best interests of the parties and consistent with the purposes of HEERA. Accordingly, the Board grants CUE's request to withdraw the charge with prejudice.

ORDER

The request by the Coalition of University Employees to withdraw the unfair practice charge with prejudice in Case No. LA-CE-1069-H is hereby GRANTED.

Members Dowdin Calvillo and Huguenin joined in this Decision.

² PERB Regulation 32305 provides: "Unless a party files a timely statement of exceptions to the proposed decision, the decision shall become final on the date specified therein." (PERB regs. are codified at Cal. Code Regs., tit. 8, sec. 31001, et seq.)