

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



SEIU UNITED HEALTHCARE WORKERS
WEST,

Charging Party,

v.

EL CAMINO HOSPITAL DISTRICT,

Respondent.

Case No. SF-CE-891-M

PERB Decision No. 2291-M

November 19, 2012

Appearances: Weinberg, Roger & Rosenfeld by Bruce A. Harland, Attorney, for SEIU United Healthcare Workers West; Arnold & Porter by Christopher T. Scanlan, Attorney, for El Camino Hospital District.

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 SEIU United Healthcare Workers West (SEIU, UHW West) to a proposed decision of an administrative law judge (ALJ). The complaint, and underlying unfair practice charge, alleged that El Camino Hospital District (District) approved a petition for decertification in which the proof of employee support did not clearly state that employees no longer wished to be represented by SEIU, UHW West; refused to allow a disinterested third party to confirm whether the proof of employee support is consistent with the requirements of the local rules; and declared that the three bargaining units represented by SEIU, UHW West had been merged together for the purpose of resolving representation issues.

After a formal hearing on November 8, 2011, the ALJ issued a proposed decision concluding that the District violated PERB Regulation 32603, subdivisions (b) and (g)¹ and the

¹ PERB Regulations are codified at California Code of Regulations, title 8, section 31001 et seq.

Meyers-Milias-Brown Act (MMBA)² sections 3503 and 3509, subdivision (b), when it merged three bargaining units for the purpose of a decertification election without following the local rules. As part of the remedy, the ALJ ordered the District to apply the petition for decertification to the three bargaining units separately until it could achieve compliance with the local rules. SEIU, UHW West timely filed exceptions to the ALJ's proposed decision.³ The District filed a timely response.

By letter dated November 1, 2012, SEIU, UHW West notified PERB that it wished to withdraw the unfair practice charge in this matter with prejudice pursuant to a global settlement agreement between the parties. SEIU, UHW West stated that the parties' underlying dispute is fully resolved to both parties' complete satisfaction.

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 SEIU, UHW West's request 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 the MMBA. Accordingly, the Board grants SEIU, UHW West's request to withdraw the charge with prejudice.

² The MMBA is codified at Government Code section 3500 et seq.

³ 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."

ORDER

The request by SEIU United Healthcare Workers West to withdraw the unfair practice charge with prejudice in Case No. SF-CE-891-M is hereby GRANTED.

Members Dowdin Calvillo and Huguenin joined in this Decision.