

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



COMPTON COMMUNITY COLLEGE
FEDERATION,

Charging Party,

v.

COMPTON COMMUNITY COLLEGE
DISTRICT,

Respondent.

Case No. LA-CE-5564-E

PERB Decision No. 2339

November 21, 2013

Appearances: Levy, Ford & Wallach by Lewis N. Levy and Daniel R. Barth, Attorneys, for Compton Community College Federation; Atkinson, Andelson, Loya, Ruud & Romo by Joshua E. Morrison, Attorney, for Compton Community College District.

Before Martinez, Chair; Huguenin and Banks, Members.

DECISION

MARTINEZ, Chair: This case is before the Public Employment Relations Board (PERB or Board) after a request for extension of time within which to file exceptions to the administrative law judge's (ALJ) proposed decision was granted. The request for extension of time was filed by the Compton Community College District (District) and agreed to by the Compton Community College Federation. The complaint, and underlying unfair practice charge, alleged that the District violated the Educational Employment Relations Act (EERA)¹ by laying off employee Joseph Lewis (Lewis) in retaliation for his EERA-protected activity.

A formal hearing was held on May 6-8, 2013. With the receipt of the parties' post-hearing briefs on August 16, 2013, the record was closed and the case was submitted for

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

decision. The ALJ issued his proposed decision on September 27, 2013, concluding that Lewis had been laid off in retaliation for his EERA-protected activity.

By letter dated October 10, 2013, the PERB Appeals Assistant granted the District a 45-day extension of time within which to file a statement of exceptions. The new due date given was December 6, 2013. By letter dated October 23, 2013, however, the parties jointly informed the Board itself that they had reached a settlement of their dispute and agreed to have the unfair practice charge and complaint dismissed with prejudice and the proposed decision vacated. The Board was provided a copy of the settlement agreement.

The Board has the 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.”];² *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-171a; *ABC Unified School District* (1991) PERB Decision No. 831b.)

Based on the Board’s review of the parties’ request and the entire record in this matter, the Board finds withdrawal of this case to be in the best interest of the parties and consistent with the purposes of EERA to promote harmonious labor relations. (See *Victor Valley Community College District* (2006) PERB Order No. Ad-357 [Board granted withdrawal where parties settled their dispute before the time within which to file exceptions expired].) The Board has a longstanding policy of favoring voluntary settlement of disputes. (*Dry Creek Joint Elementary School District* (1980) PERB Order No. Ad-81.)

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

ORDER

The joint request by the Compton Community College District and the Compton Community College Federation to withdraw the unfair practice charge with prejudice in Case No. LA-CE-5564-E is hereby GRANTED. The complaint is dismissed with prejudice and the proposed decision is vacated.

Members Huguenin and Banks joined in this Decision.