

**STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD**



PHYSICIANS AND DENTISTS
ORGANIZATION OF CONTRA COSTA,

Charging Party,

v.

COUNTY OF CONTRA COSTA,

Respondent.

Case No. SF-CE-1234-M

PERB Decision No. 2681-M

November 6, 2019

Appearances: Bogatin, Corman & Gold by William Corman, Attorney, for Physicians and Dentists Organization of Contra Costa; Christina J. Ro-Connolly and Cynthia A. Schwerin, Deputy County Counsel, for County of Contra Costa.

Before Banks, Shiners, and Krantz, Members.

DECISION

BANKS, Member: This case is before the Public Employment Relations Board (PERB or Board) on exceptions by the County of Contra Costa (County) and the Physicians and Dentists Organization of Contra Costa (PDOCC) to a proposed decision by an administrative law judge (ALJ). The ALJ found that the County violated the Meyers-Milias-Brown Act (MMBA)¹ by refusing to negotiate with PDOCC over the effects of its decision to increase the ambulatory care patient rosters from 10 to 11 patients per physician in the Family Medicine Department and the Pediatric Department. As a remedy, the ALJ awarded 36 minutes of compensatory time off for each affected physician for those weeks he or she actually worked since June 1, 2014, i.e., the date the new patient rosters went into effect.

¹ The MMBA is codified at Government Code section 3500, et seq.

The County excepted to certain of the ALJ's factual determinations and to the proposed remedy, claiming it was overbroad and prohibited by federal law and the Memorandum of Understanding between the parties. PDOCC cross-excepted to the ALJ's conclusion that the County was obligated to meet and confer only with respect to the effects of its decision to increase the patient roster size, not over the decision itself.

While these exceptions and cross-exceptions were pending before the Board, the parties settled their dispute. On October 22, 2019, the County and PDOCC submitted a joint request to the Board asking to withdraw the unfair practice charge and each party's exceptions to the proposed decision.

As part of the Board's authority to take any action in a pending case that it deems necessary to discharge its duties and effectuate the purposes of the labor relations laws that PERB enforces, the Board has discretion to grant or deny requests to withdraw or dismiss exceptions, appeals, and cases pending before the Board, as well as to vacate or otherwise withdraw administrative determinations and other decisions or orders issued at any level of PERB. (Gov. Code, §§ 3509, subd. (a), 3541.3, subds. (i) and (n); *City of Santa Rosa (Fire Department)* (2019) PERB Decision No. 2653-M, p. 2 (*Santa Rosa*); *City of Hayward et al.* (2019) PERB Decision No. 2620-M, p. 4.) After reviewing the settlement agreement, the Board finds the joint request for withdrawal to be consistent with the MMBA's purpose of promoting harmonious labor relations. (*Santa Rosa, supra*, PERB Decision No. 2653-M, p. 2.)

ORDER

The joint request by the County of Contra Costa and the Physicians and Dentists Organization of Contra Costa to withdraw the unfair practice charge, exceptions, and cross-

exceptions to the proposed decision in Case No. SF-CE-1234-M is GRANTED. We further direct that this matter is closed and that no further action be taken in the case.

Members Shiners and Krantz joined in this Decision.