

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



SERVICE EMPLOYEES INTERNATIONAL
UNION LOCAL 521,

Charging Party,

v.

COUNTY OF SANTA CLARA,

Respondent.

Case No. SF-CE-1670-M

PERB Decision No. 2685-M

December 10, 2019

Appearances: Weinberg Roger & Rosenfeld by Kerianne R. Steele, Attorney, for Service Employees International Union Local 521; Nancy J. Clark, Deputy County Counsel, for County of Santa Clara.

Before Banks, Shiners, and Krantz, Members.

DECISION

SHINERS, Member: This case is before the Public Employment Relations Board (PERB or Board) on appeal by Service Employees International Union Local 521 (SEIU) of a partial dismissal of its unfair practice charge. The charge alleged that the County of Santa Clara (County) violated the Meyers-Milias-Brown Act (MMBA)¹ and the Prohibition on Public Employers Deterring or Discouraging Union Membership Chapter (PEDD)² by engaging in a course of conduct which culminated in the County

¹ The MMBA is codified at Government Code section 3500 et seq. All statutory references are to the Government Code unless otherwise indicated.

² The PEDD is codified at Government Code section 3550.

asking the State Mediation and Conciliation Service (SMCS) to conduct a decertification election in the County's Public Health Nurses bargaining unit. The Office of the General Counsel (OGC) issued a complaint alleging that the County's determination to proceed with a decertification election violated the MMBA. OGC dismissed the remaining charge allegations. SEIU filed a timely appeal of the partial dismissal.

On August 7, 2019, an administrative law judge (ALJ) issued a proposed decision in this case. The ALJ ruled the County violated the MMBA by deciding to move forward with a decertification election based on a defective petition. The ALJ ordered the County to rescind its determination that the petition was valid and its request that SMCS conduct a decertification election based on the petition. Neither party filed exceptions to the proposed decision, and it became final on September 4, 2019. On December 3, 2019, SEIU filed a request to withdraw its appeal of the partial dismissal.

Under the Board's authority to take any action in a pending case that the Board deems necessary to discharge its duties and effectuate the purposes of the statutes PERB enforces, the Board has discretion to grant or deny requests to withdraw and dismiss cases pending before the Board itself. (MMBA, § 3509, subd. (a); EERA, § 3541.3, subds. (i) and (n);³ PERB Reg. 32320, subd. (a)(2) ["The Board itself may . . . [¶] . . . take such other action as it considers proper."];⁴ *State of California*

³ The Educational Employment Relations Act (EERA) is codified at section 3540 et seq.

⁴ PERB Regulations are codified at California Code of Regulations, title 8, section 31001 et seq.

(Department of Personnel Administration) (2010) PERB Decision No. 2152-S;
Grossmont-Cuyamaca Community College District (2009) PERB Order No. Ad-380;
ABC Unified School District (1991) PERB Decision No. 831b.) Based on our review of SEIU's request and the entire record in this matter, the Board finds withdrawal of SEIU's appeal to be consistent with the MMBA's purpose of promoting harmonious labor relations, and accordingly grants SEIU's request.

ORDER

The request by Service Employees International Union Local 521 to withdraw its appeal of the partial dismissal in Case No. SF-CE-1670-M is GRANTED.

Members Banks and Krantz joined in this Decision.