



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

OWEN CLIFF SNIDER,

Charging Party,

v.

CITY OF SOUTH PASADENA,

Respondent.

Case No. LA-CE-1180-M

PERB Decision No. 2692a-M

June 30, 2021

Appearances: Woodley & McGillivray by Diana Nobile and William W. Li, Attorneys, for Owen Cliff Snider; Liebert Cassidy Whitmore by T. Oliver Yee and Kevin J. Chicas, Attorneys, for City of South Pasadena.

Before Banks, Chair and Krantz, Member.

DECISION

BANKS, Chair: This case is before the Public Employment Relations Board (PERB or Board) after the Court of Appeal for the Second Appellate District issued its unpublished opinion and order in *City of South Pasadena v. Public Employment Relations Bd.* (Cal. Ct. App., February 26, 2021, No. B304596, 2021 WL 753192).

Pursuant to the Court of Appeal's order, as discussed below, we modify the remedial order issued in *City of South Pasadena* (2020) PERB Decision No. 2692-M.

In *City of South Pasadena, supra*, PERB Decision No. 2692-M, we concluded that the City of South Pasadena violated the Meyers-Milias Brown Act (MMBA) and PERB Regulations by terminating Owen Cliff Snider in retaliation for his protected

activities.¹ Among other remedies, we ordered the City to expunge from its records, including Snider's personnel file: (1) the October 3, 2016 Notice of Intent to Terminate; (2) the December 2, 2016 Notice of Termination, Accusation and Statement to Respondent; (3) the investigative report upon which the above documents were based; and (4) all references to those documents.

In its opinion and order, the Court of Appeal upheld our determination that the City had terminated Snider in violation of the MMBA. The Court granted the City's Petition for a writ of extraordinary relief only insofar as the City is no longer required to expunge from its records, including Snider's personnel file: (1) the investigative report; and (2) all references to (a) the investigative report, (b) the October 3, 2016 Notice of Intent to Terminate, and (c) the December 2, 2016 Notice of Termination, Accusation and Statement to Respondent.

We hereby vacate our original remedial order and issue the following modified order in this matter.

In accordance with the Second Appellate District's order, and pursuant to section 3509, subdivision (a) of the Government Code, it is ORDERED that the City and its representatives shall:

- A. CEASE AND DESIST FROM:
 - 1. Retaliating against Snider because of his protected activities.

¹ The MMBA is codified at Government Code section 3500 et seq. PERB Regulations are codified at California Code of Regulations, title 8, section 31001 et seq.

B. TAKE THE FOLLOWING AFFIRMATIVE ACTIONS DESIGNED TO EFFECTUATE THE POLICIES OF THE MMBA:

1. Rescind Snider's termination.
2. Expunge from its records, including Snider's personnel file: (1) the October 3, 2016 Notice of Intent to Terminate; and (2) the December 2, 2016 Notice of Termination, Accusation and Statement to Respondent.
3. Offer Snider immediate reinstatement to his former position or, if that position no longer exists, then to a substantially similar position, as of December 7, 2016.
4. Make Snider whole for any financial losses suffered as a direct result of his termination, including back pay, augmented by interest at a rate of 7 percent per annum.
5. Within 10 workdays after service of this decision, post at all work locations in the City of South Pasadena Fire Department (Fire Department), where notices to Fire Department employees customarily are posted, copies of the Notice attached hereto as an Appendix. The Notice must be signed by an authorized agent of the City, indicating that the City will comply with the terms of this Order. Such posting shall be maintained for a period of 30 consecutive workdays. In addition to physical posting of paper notices, the Notice shall be posted by electronic message, intranet, internet site, and other electronic means customarily used by the City to communicate with Fire Department employees in the bargaining units represented by the

Association. Reasonable steps shall be taken to ensure that the Notice is not reduced in size, altered, defaced, or covered with any other material.²

6. Within 30 workdays after service of this decision, notify the General Counsel of PERB, or his or her designee, in writing of the steps taken to comply with the terms of this Order. Continue to report in writing to the General Counsel, or his or her designee, periodically thereafter as directed. All reports regarding compliance with this Order shall be served concurrently on Snider and the Association.

Member Krantz joined in this Decision.

² In light of the ongoing COVID-19 pandemic, Respondent shall notify PERB's Office of the General Counsel (OGC) in writing if, due to an extraordinary circumstance such as an emergency declaration or shelter-in-place order, a majority of employees at one or more work locations are not physically reporting to their work location as of the time the physical posting would otherwise commence. If Respondent so notifies OGC, or if Charging Party requests in writing that OGC alter or extend the posting period, require additional notice methods, or otherwise adjust the manner in which employees receive notice, OGC shall investigate and solicit input from all parties. OGC shall provide amended instructions to the extent appropriate to ensure adequate publication of the Notice, such as directing Respondent to commence posting within 10 workdays after a majority of employees have resumed physically reporting on a regular basis; directing Respondent to mail the Notice to all employees who are not regularly reporting to any work location due to the extraordinary circumstance, including those who are on a short term or indefinite furlough, are on layoff subject to recall, or are working from home; or directing Respondent to mail the Notice to those employees with whom it does not customarily communicate through electronic means.

**NOTICE TO EMPLOYEES
POSTED BY ORDER OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD
An Agency of the State of California**



After a hearing in Unfair Practice Case No. LA-CE-1180-M, *Owen Cliff Snider v. City of South Pasadena*, in which all parties had the right to participate, it has been found that the City of South Pasadena violated the Meyers-Milias-Brown Act (MMBA), Government Code section 3500 et seq., by terminating Owen Cliff Snider's employment in retaliation for engaging in statutorily protected activities.

As a result of this conduct, we have been ordered to post this Notice and we will:

A. CEASE AND DESIST FROM:

1. Retaliating against Snider because of his protected activities.

B. TAKE THE FOLLOWING AFFIRMATIVE ACTIONS DESIGNED TO EFFECTUATE THE POLICIES OF THE MMBA:

1. Rescind Snider's termination.
2. Expunge from our records, including Snider's personnel file: (1) the October 3, 2016 Notice of Intent to Terminate; and (2) the December 2, 2016 Notice of Termination, Accusation and Statement to Respondent.
3. Offer Snider immediate reinstatement to his former position or, if that position no longer exists, then to a substantially similar position, as of December 7, 2016.
4. Make Snider whole for any financial losses suffered as a direct result of his termination, including back pay, augmented by interest at a rate of 7 percent per annum.

Dated: _____

City of South Pasadena

By: _____
Authorized Agent

THIS IS AN OFFICIAL NOTICE. IT MUST REMAIN POSTED FOR AT LEAST 30 CONSECUTIVE WORKDAYS FROM THE DATE OF POSTING AND MUST NOT BE REDUCED IN SIZE, DEFACED, ALTERED OR COVERED WITH ANY OTHER MATERIAL.