



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

SERVICE EMPLOYEES INTERNATIONAL
UNION LOCAL 721,

Charging Party,

v.

COUNTY OF RIVERSIDE,

Respondent.

Case No. LA-CE-1270-M

PERB Decision No. 2707-M

April 15, 2020

Appearances: Rothner, Segall & Greenstone by Glenn Rothner and Daniel B. Rojas, Attorneys, for Service Employees International Union Local 721; The Zappia Law Firm by Edward P. Zappia and Brett M. Ehman, Attorneys, for County of Riverside.

Before Banks, Krantz, and Paulson, Members.

DECISION

KRANTZ, Member: This case is before the Public Employment Relations Board (PERB or Board) on exceptions filed by the County of Riverside (County), as well as cross-exceptions filed by Service Employees International Union Local 721 (Local 721), to the proposed decision of an administrative law judge (ALJ). The ALJ found that the County violated the Meyers-Milias-Brown Act (MMBA), Government Code sections 3503, 3506, and 3506.5, subdivisions (a) and (b), and PERB Regulation 32603, subdivisions (a) and (b), by issuing Mary Chyles Carcillar (Carcillar) a Notice of Proposed Termination and subsequently terminating her employment in

retaliation for engaging in protected activity.¹ The ALJ dismissed all other allegations in the complaint, including the allegation that an October 31, 2017 investigatory interview of Carcillar constituted unlawful interference.

On March 30, 2020, while the matter was pending before the Board on the County's exceptions and Local 721's cross-exceptions, the parties notified PERB that they settled this matter along with other pending unfair practice charges. Based on the parties' agreements, Local 721 requested to withdraw the underlying unfair practice charge with prejudice, dismiss the corresponding complaint, and close the administrative case. The parties jointly agreed to withdraw the exceptions and the cross-exceptions to the proposed decision to effectuate the withdrawal of the charge and closure of the case.

The Board has discretion to grant or deny requests to withdraw and dismiss cases pending before the Board itself. (§§ 3509, subd. (a), 3541.3, subds. (i) and (n); PERB Reg. 32320, subd. (a)(2) ["The Board itself may . . . [¶] . . . take such other action as it considers proper."]; *Sanitation Districts of Los Angeles County* (2019) PERB Decision No. 2656-M, p. 2 (*Sanitation Districts*); *City of Santa Rosa (Fire Department)* (2019) PERB Decision No. 2653-M, p. 2 (*Santa Rosa*); *State of California (Department of Personnel Administration)* (2010) PERB Decision No. 2152-S; *Grossmont-Cuyamaca Community College District* (2009) PERB Order No. Ad-380;

¹ The MMBA is codified at Government Code section 3500 et seq. All statutory references are to the Government Code unless otherwise indicated. PERB Regulations are codified at California Code of Regulations, title 8, section 31001 et seq.

Oakland Unified School District (1988) PERB Order No. Ad-171a; *ABC Unified School District* (1991) PERB Decision No. 831b.)

The Board has a longstanding policy favoring voluntary settlement of disputes, such as achieved by the parties in this case. (*Dry Creek Joint Elementary School District* (1980) PERB Order No. Ad-81a.) Based on the Board's review of the parties' settlement agreement, and the entire record in this matter, the Board finds granting the request to be in the best interest of the parties and consistent with the purposes of the MMBA to promote harmonious labor relations. (*Sanitation Districts, supra*, PERB Decision No. 2656-M, p. 2; *Santa Rosa, supra*, PERB Decision No. 2653-M, p. 2.) For these reasons, we grant the parties' joint request to withdraw Local 721's charge with prejudice.

ORDER

The request by Service Employees International Union Local 721 (Local 721) and the County of Riverside (County) to withdraw the unfair practice charge in Case No. LA-CE-1270-M is hereby GRANTED. The County's exceptions and Local 721's cross-exceptions to the proposed decision are deemed withdrawn. The complaint and underlying unfair practice charge are DISMISSED WITH PREJUDICE, and the proposed decision is hereby VACATED.

Members Banks and Paulson joined in this Decision.