



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

ADRIANA CRUCES,

Charging Party,

v.

STOCKTON UNIFIED SCHOOL DISTRICT,

Respondent.

Case No. SA-CE-3208-E

ADRIANA CRUCES,

Charging Party,

v.

STOCKTON TEACHERS ASSOCIATION,
CTA/NEA

Respondent.

Case No. SA-CO-686-E

PERB Decision No. 3056

September 10, 2026

Appearances: Adriana Cruces, on her own behalf; Dannis Woliver Kelley by Marie A. Nakamura and Erin M. Dervin, Attorneys, for Stockton Unified School District.

Before Banks, Chair; Krantz and Ortega, Members.

DECISION¹

ORTEGA, Member: These consolidated cases are before the Public Employment Relations Board (PERB or Board) on appeal by Charging Party Adriana

¹ PERB Regulation 32320(d) authorizes the Board to determine whether a decision, or any part thereof, shall be designated as non-precedential. Having considered the regulation's criteria, we designate only the following sections of the decision as precedential: Part III of the Factual Allegations and Procedural Background; and Part III of the Discussion. All other portions of the decision are non-

Cruces from a determination by PERB's Office of the General Counsel (OGC) to dismiss her unfair practice charges in Case Nos. SA-CE-3208-E and SA-CO-686-E.² For the reasons discussed below, we uphold OGC's dismissals of the unfair practice charges.

FACTUAL ALLEGATIONS AND PROCEDURAL BACKGROUND³

At all times relevant to the consolidated charges, Cruces was employed by the Stockton Unified School District as a teacher and was a member of the Stockton Teachers Association (STA). Cruces also served as an STA executive board member.

I.*

II.*

precedential. (PERB Regulations are codified at Cal. Code Regs., tit. 8, § 31001 et seq.)

² The Board has discretion to "consolidate charges as it deems appropriate." (PERB Reg. 32616(d).) In determining whether to consolidate charges for disposition by a single decision, the Board considers both fairness and administrative economy (*Los Angeles Unified School District* (1984) PERB Decision No. 473, p. 1), and whether the charges involve similar issues (see, e.g., *Los Angeles Community College District* (1981) PERB Decision No. 167, p. 2). Here, Charging Party filed both charges, and they involve similar underlying allegations and issues. (*Los Rios Community College District and Los Rios College Federation of Teachers, Local 2279* (2018) PERB Decision No. 2614, p. 1, fn. 1.) We therefore consolidate these two cases for the purpose of this decision.

³ In each consolidated case, Cruces filed a request for injunctive relief and a motion to expedite. The Board denied both requests for injunctive relief and motions to expedite, and they are not addressed further herein.

III. Motions for Disclosure

In both consolidated cases, Cruces filed a document titled “Charging Party’s Motion for Disclosure, Conditional Recusal, and Reservation of Rights (PERB Regulations [sic] 32155).” In the filings, Cruces requested that each Board member disclose information regarding potential conflicts that would impact the member’s impartiality.⁶ Specifically, Cruces requested that each Board member disclose any prior or current relations with the District, STA, California Teachers Association, the respondents’ counsel, or any administrator, witness, or decision-maker involved in these cases.

Additionally, Cruces requested that each Board member disclose any involvement in the current charges, related PERB matters, Office of Administrative Hearings or Equal Employment Opportunity Commission proceedings involving the parties, any civil litigation involving the parties, any financial or professional interest that could be affected by the outcome in this case or create the appearance of partiality, any ex parte communications, other relationships, or circumstances that may reasonably impact or call into question a Board member’s impartiality.

DISCUSSION*

I.*

II.*

III. Motions for Disclosure

PERB’s regulations provide for Board members to recuse themselves via two separate procedures. First, if a Board member learns of any facts which warrant

⁶ We refer to them hereafter as “motions for disclosure.”

recusal from a case before the Board itself, it is incumbent upon the Board member to recuse, and to notify the Board of such recusal. (PERB Reg. 32155(c).) Specifically, PERB Regulation 32155(b) provides that Board members shall recuse themselves from a case or proceeding, if any of the following circumstances exist:

“(1) They have a financial interest in the outcome of the case or proceeding, or [are] indebted, through money borrowed as a loan, to a party, party representative, or witness in the case or proceeding.

“(2) They are related, by consanguinity or affinity within the third degree computed according to the rules of law, to a party, party representative, or witness in the case or proceeding.

“(3) They at any time participated in the specific events giving rise to the case or proceeding, or served as a party representative in the case or proceeding.”

Or if within one year prior to the date the appeal was placed on the Board’s docket, or any time thereafter, they:

“1. were an officer, director, trustee, or employee of an entity that is a party in the case or proceeding;

“2. personally served as an attorney, or as a non-attorney representative, on behalf of any person or entity that is a party or witness in the case or proceeding; or

“3. held a paid position, including but not limited to a position as an employee, contractor, partner, or shareholder, with a law firm, legal department, or other organization representing a person or entity that is a party or witness in the case or proceeding.”

Or if “they cannot fairly consider the case or proceeding, or the interests of justice require recusal.” (PERB Reg. 32155(b)(5).)

Second, any party in a case or proceeding before the Board may file directly with a Board member a written motion for recusal. (PERB Reg. 32155(d).) “The motion shall set forth by competent evidence all relevant facts.” (*Ibid.*) The Regulations further provide the time for filing and serving the motion on all parties, and the time within which any party may file a response. (*Ibid.*) At that point, “[t]he Board member subject to the recusal motion shall decide the motion.” (*Ibid.*) If the subject Board member denies the recusal motion, the party seeking recusal can seek review from the Board itself. (*Ibid.*)

Accordingly, PERB’s regulations anticipate that a Board member will recuse upon learning facts which warrant recusal under PERB Regulation 32155(b). If the Board member does not recuse in the first instance, PERB’s regulations provide a procedure whereby a party may file a written motion for recusal with an individual Board member should the moving party have competent evidence that there are grounds for the Board member to recuse. But PERB’s regulations do not provide a mechanism for a party to request that Board members disclose information related to potential conflicts that may warrant recusal.

Cruces does not cite any authority that allows her motions for disclosure, nor are we aware of any. The motions do not conform with PERB’s regulation regarding recusal and therefore are not appropriate motions for recusal. For all the foregoing reasons, Cruces’ motions for disclosure are denied.

IV.*

ORDER*

* See footnote 1, *ante*.