

STATE OF CALIFORNIA
EDUCATIONAL EMPLOYMENT RELATIONS BOARD

ORDER

United Teachers of Santa Clara)

in appeal of)
Administrative Decision)

Case No. SF-R-266

EERB Order No. Ad-6

The decision of the San Francisco Regional Director to stay the representation election in the above-captioned case is sustained by the Board itself. Since the parties may wish to proceed to an election notwithstanding unresolved unfair practice charges, the Regional Director is instructed to seek waivers from all parties of the right to file objections on the basis of the allegations in the unfair practice charge. In the event such waivers are received, an election should be conducted by the Regional Director.

The Board itself declines appellant's request for oral argument.

Educational Employment Relations Board

by



Stephen Barber
Executive Assistant to the Board


3/8/77

Chairman Alleyne, dissenting:

I dissent from the Board order which maintains the stay of the representation election unless "all parties" waive the right to file objections on the basis

of the allegations contained in the unfair practice charge. No party in this case seeks to block the election because of the unfair practice charges. Accordingly, the election should be held as desired by all parties. I know of no precedent for the Board's action in this case. The National Labor Relations Board, for example, will lift an election stay and conduct an election at the request of an unfair-practice charging party, when the charging party files a request to proceed with the election. The only waiver required of the charging party in that instance is a waiver of the right to file objections to conduct taking place before the representation petition in the case was filed. See NLRB Form 4551, reproduced in LRX 4317 (Bureau of National Affairs).

This election should be conducted without further delay.

A handwritten signature in cursive script, reading "Reginald Alleyne", written over a horizontal line.

Reginald Alleyne, Chairman

EDUCATIONAL EMPLOYMENT RELATIONS BOARD
1390 Market Street, Room 911
San Francisco, CA 94102
(415) 557-1350

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January 24, 1977

Re: Santa Clara Unified School District
SF-CE-13

Mr. Robert Persky, Executive Director
United Teachers of Santa Clara
1333 Lawrence Expressway, Suite 266
Santa Clara, California 95051

Dear Mr. Persky:

Pursuant to your request of January 11, 1977 that I set a date for an election in the Santa Clara Unified School District, I have reviewed the matter. In that the Santa Clara Federation of Teachers has filed an unfair practice charge (SF-CE-13) alleging certain actions by the District were taken in an effort to influence the outcome of the election and inasmuch as a formal hearing is set for February 7, 1977 I feel it would not be appropriate to set an election date until after the unfair practice charge is closed.

An appeal to this decision may be made within ten calendar days of receipt of this letter, stating the facts upon which the appeal is based and filed with the Executive Director, Mr. Charles Cole, at 923 12th Street, Suite 200, Sacramento, California 95814. Copies of any appeal must be served upon all other parties to this action with an additional copy to the San Francisco Regional Office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'James W. Tamm'.

James W. Tamm
Regional Director

JWT:ma

cc: Jim Hamm, President, Santa Clara Federation of Teachers
Santa Clara Unified School District
J. Michael Taggart, Patterson & Taggart