

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



FRANKLIN-McKINLEY SCHOOL DISTRICT)
Employer,) Case No. SF-R-604 A & B
and)
SAN FRANCISCO BAY AREA CERTIFICATED) PERB Order No. Ad-80
EDUCATORS AND PROFESSIONAL)
ASSOCIATES, TEAMSTERS LOCAL #856,)
Employee Organization.) ADMINISTRATIVE APPEAL
October 26, 1979

Appearances: Frank E. Mayo (Atwood and Hurst) Attorney for the Franklin-McKinley School District; Mike McLaughlin and Wilma Rader, Attorneys for San Francisco Bay Area Certified Educators and Professional Associates, Teamsters #856.

Before Gluck, Chairperson; Gonzales and Moore, Members.

ORDER

The San Francisco Bay Area Certificated Educators and Professional Associates, Teamsters Local 856 has appealed the decision of the San Francisco Regional Director not to conduct representation elections in the two appropriate units established in the above-captioned case. The appellant asked that the elections be conducted in these units subject to challenges to the ballots cast by the employees whose positions are the subject matter of exceptions to the hearing officer's proposed decision in this case. The regional director ruled that the elections would not proceed until these exceptions were resolved by the Board itself.

The exceptions to the unit determination decision having been resolved by this Board in the Franklin-McKinley School District, (October 26, 1979) PERB Decision No. 108, the appeal herein, filed by the San Francisco Bay Area Certificated Educators and Professional Associates, Teamsters Local #856, is now moot and is therefore dismissed.

PER CURIAM

PUBLIC EMPLOYMENT RELATIONS BOARD

San Francisco Regional Office
177 Post St., 9th Floor
San Francisco, California 94108
(415) 557-1350

May 18, 1979

CERTIFIED RETURN
RECEIPT REQUESTED

Ms. Wilma R. K. Rader
Beeson, Tayer & Kovach
100 Bush Street, Suite 1500
San Francisco CA 94104

Mr. Frank E. Mayo
Atwood & Hurst
Two North Second Street
Suite 1350
San Jose CA 95113

Re: Franklin-McKinley School District
Case No. SF-R-604 A, B

Dear Interested Parties:

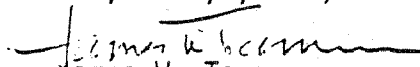
On April 13, 1979, the regional office received a request by the San Francisco Bay Area Certificated Educators and Professional Associates, Teamsters Local #856, that an election be directed in two supervisory units of the Franklin-McKinley School District.

As you are aware, a PERB Hearing Officer issued a proposed representation decision on March 22, 1979. The decision established two supervisory units--one classified and one certificated. On April 6, 1979, the District filed exceptions to that decision, thereby preventing the decision from becoming final.

Were the parties willing to enter into a consent election agreement, we could possibly deal with the remaining disputed positions through the use of challenge ballots. The District, however, opposes the election until a final unit determination order is issued. Absent the consent of all parties to the election, I feel I have no authority to direct an election when a unit dispute still exists. I am, therefore, denying the request to conduct representation elections in the supervisory units of the Franklin-McKinley School District.

An appeal of this decision may be made to the Board itself within 10 calendar days of service of this letter by filing a statement of the facts upon which the appeal is based with the Executive Assistant to the Board at 923 12th Street, Suite 201, Sacramento CA 95814. Copies of any appeal must be concurrently served upon all parties and the San Francisco Regional Office. Proof of service of the appeal must be filed with the Executive Assistant.

Very truly yours,


James W. Tamm
Regional Director

MAY 21 1979