

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



FONTANA CLASSIFIED EMPLOYEES)	
ASSOCIATION/NEA)	
)	
Employee Organization,)	Case No. LA-D-176
<u>APPELLANT,</u>)	Administrative Appeal
)	
and)	
)	PERB Order No. Ad-157a
UNITED STEEL WORKERS OF AMERICA,)	
AFL/CIO,)	November 6, 1987
)	
Employee Organization,)	
)	ON REMAND FROM THE
and)	CALIFORNIA COURT OF
)	APPEAL, FOURTH DISTRICT
FONTANA UNIFIED SCHOOL DISTRICT,)	
)	
Employer.)	
)	

Before Hesse, Chairperson; Porter, Craib and Cordoba, Members.

DECISION

CRAIB, Member: This case is before the Public Employment Relations Board (PERB or Board) on remand from the California Court of Appeal, Fourth District. On July 31, 1986, the Board issued PERB Order No. Ad-157, upholding an administrative decision by the Board's executive director rejecting as untimely an appeal of a Board agent's dismissal of a decertification petition filed by the Fontana Classified Employees Association/NEA (Association).

On August 26, 1987, the Fourth District Court of Appeal, in an unpublished decision, concluded that the Association's appeal of the dismissal was timely filed. Accordingly, the

Court vacated PERB Order No. Ad-157 and remanded the case to the Board. We are, of course, bound by the Court's decision with respect to the matter presently before us. Consequently, we will order that the executive director accept as timely the Association's appeal of the Board agent's dismissal of its decertification petition.

ORDER

Pursuant to the direction of the California Court of Appeal, Fourth District, Case Number E003458, the executive director of the Public Employment Relations Board is hereby ORDERED to accept as timely filed the Fontana Classified Employees Association/NEA's appeal of the Board agent's dismissal of its decertification petition in PERB Case No. LA-D-176.

Chairperson Hesse and Members Porter and Cordoba joined in this Decision.