STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD

MARY MCFARLAND,	)	
	)	
Charging Party,	)	Case No. S-CO-210
	)	
v.	)	PERB Order No. Ad-208
	)	
WASHINGTON TEACHERS ASSOCIATION,	)	June 4, 1990
	)	
Respondent.	)	
	)	

Appearance: Pacific Legal Foundation by Michael L. Faber, Attorney, for Mary McFarland.

Before Hesse, Chairperson; Camilli and Cunningham, Members.

DECISION AND ORDER

HESSE, Chairperson: This is an appeal filed by Mary McFarland (McFarland) of a regional attorney's notification to the above-captioned parties that Case No. S-CO-120 had been placed in abeyance until such time as the Public Employment Relations Board (PERB or Board) issued its decision in San Ramon Valley Education Association (Abbot) Case Nos. SF-CO-304 and SF-CO-309 (see (1990) PERB Decision No. 802), and/or until the constitutionality of the Board's agency fee appeal procedure regulations were ruled on by the Sacramento County Superior Court. McFarland subsequently requested the Board remand this case to the Board agent to proceed with the investigation of the charge.

Just as the Board agent does not need specific authority to dismiss a case before a hearing (see Washington Unified School District (McFarland) (1985) PERB Decision No. 549, p. 10),

neither does a Board agent need specific authority to follow the Board's direction to place a case in abeyance pending resolution of litigation involving the same or similar issues. The Legislature granted the Board broad powers with regard to processing unfair practice charges.[1] Accordingly, we hold the Board agent has discretionary authority to determine whether to proceed with the investigation. The Board considers the actions of the Board agent to be administratively efficient and in furtherance of the purpose for which PERB was created.

It is hereby ORDERED that Case No. S-CO-210 is REMANDED to the General Counsel.

Members Camilli and Cunningham joined in this Decision.

---

[1]Educational Employment Relations Act section 3541.3 provides, in pertinent part:

> The board shall have all of the following powers and duties:
>
> . . . . . .
>
> (i) To investigate unfair practice charges or alleged violations of this chapter, and take such action and make such determinations in respect of these charges or alleged violations as the board deems necessary to effectuate the policies of this chapter.
>
> . . . . . .
>
> (n) To take such other action as the board deems necessary to discharge its powers and duties and otherwise to effectuate the purposes of this chapter.