

STATE OF CALIFORNIA  
DECISION OF THE  
PUBLIC EMPLOYMENT RELATIONS BOARD



GILROY UNIFIED SCHOOL DISTRICT, )  
 )  
Employer, ) Case No. SF-OB-3  
 ) (SF-D-188)  
and ) (SF-R-215)  
 )  
GILROY TEACHERS ASSOCIATION, ) Administrative Appeal  
CTA/NEA, )  
 )  
Employee Organization, ) PERB Order No. Ad-224  
 )  
and ) November 14, 1991  
 )  
 )  
GILROY FEDERATION OF TEACHERS, )  
CFT/AFT, )  
 )  
Employee Organization. )  
\_\_\_\_\_ )

Appearances: California Teachers Association by A. Eugene Huguenin, Jr., Attorney, for Gilroy Teachers Association, CTA/NEA; Van Bourg, Weinberg, Roger & Rosenfeld by Stewart Weinberg, Attorney, for Gilroy Federation of Teachers, CFT/AFT.

Before Shank, Camilli and Carlyle, Members.

DECISION AND ORDER

CAMILLI, Member: On September 26, 1991, the Sacramento Regional Director of the Public Employment Relations Board (PERB or Board) issued an administrative determination in Case No. SF-OB-3, wherein it was ordered that the election in Case No. SF-D-188 be set aside. It was further ordered that the San Francisco Regional Director not certify the results of the election tallied on June 5, 1991, and that a new election be conducted. On October 11, 1991, the Gilroy Teachers Association, CTA/NEA (Association) filed an appeal to the administrative determination and a request for stay of the election ordered

therein. On November 12, 1991, the Gilroy Federation of Teachers, CFT/AFT filed a response, arguing that the request for a stay be denied, and urging PERB to uphold the administrative determination and order the election be held as soon as possible.<sup>1</sup>

The Board has held that a stay will be granted where the conduct in question would be unnecessary if the Board overturned the decision of a Board agent. (Inglewood Unified School District (1990) PERB Order No. Ad-205.) If, in this case, the Board should reverse the Board agent's administrative determination and Order, a new election would be unnecessary. In the interest of economy, it is appropriate that the order to hold a new election be stayed pending the Board's decision on the merits of the Association's appeal of the administrative determination.

Based upon the above, the Board ORDERS that the election in administrative determination Case No. SF-OB-3 be STAYED pending the Board's decision on the merits of the Association's appeal.

Members Shank and Carlyle joined in this Decision.

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<sup>1</sup>By telephone to PERB's Appeals Assistant on November 13, 1991, the Gilroy Unified School District waived its right to respond to the Association's appeal and request for stay.