

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



CALIFORNIA CORRECTIONAL PEACE OFFICERS ASSOCIATION,)	
)	
Charging Party,)	Case No. S-CE-509-S
)	
v.)	Stay of Hearing
)	
STATE OF CALIFORNIA (DEPARTMENT OF CORRECTIONS),)	PERB Order No. Ad-227-S
)	
Respondent.)	December 16, 1991
)	

Appearances: Department of Personnel Administration, by Roy J. Chastain, Labor Relations Counsel, for State of California (Department of Corrections); Jeffrey A. Diamond, Staff Legal Counsel, for California Correctional Peace Officers Association.

Before Hesse, Chairperson, Shank and Camilli, Members.

DECISION AND ORDER

HESSE, Chairperson: This case is before the Public Employment Relations Board (PERB or Board) on appeal by the State of California (Department of Corrections) (State) from an administrative law judge's (ALJ) denial of its motion to dismiss and defer to final and binding arbitration a complaint filed by the California Correctional Peace Officers Association (CCPOA). A hearing on the unfair practice charge and complaint is scheduled to begin on December 17, 1991.

Following the issuance of the ALJ's ruling on its motion to dismiss complaint and defer to binding arbitration, the State filed a timely appeal of the decision and a request for a stay of the unfair practice charge hearing in accordance with PERB

Regulations 32646(b) and 32370.¹ CCPOA filed an opposition to both the request for stay and the appeal. CCPOA further requests that if the stay is granted so that the Board may address the appeal, it be allowed to respond to the merits of the appeal within the applicable time lines. However, the filings of the appeal and responses thereto will not be complete and before the Board until after December 17, 1991. A stay of the hearing pending the outcome of this appeal is appropriate in that the hearing may be unnecessary should the Board reverse the ALJ's ruling in Case No. S-CE-509-S.

In the interest of economy, the Board ORDERS that the hearing in State of California (Department of Corrections), Case No. S-CE-509-S, be STAYED pending the Board's decision on the State's appeal of the ALJ's denial of its motion to dismiss complaint and defer to binding arbitration.

Members Shank and Camilli joined in this Decision.

¹PERB Regulations are codified at California Administrative Code, title 8, section 31001, et seq.