

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



FREMONT EDUCATION ASSOCIATION,)	
CTA/NEA,)	
)	
Charging Party,)	Case No. SF-CE-1557
)	
v.)	Stay of Hearing
)	
FREMONT UNION HIGH SCHOOL DISTRICT,)	PERB Order No. Ad-237
)	
Respondent.)	January 19, 1993
_____)	

Appearance: Law Firm of Zampi and Associates by Joseph P. Zampi and Gerald B. Determan, Attorneys for Fremont Union High School District.

Before Hesse, Chairperson, Caffrey and Blair, Members.

DECISION AND ORDER

HESSE, Chairperson: This case is before the Public Employment Relations Board (PERB or Board) on appeal by the Fremont Union High School District (District) from an administrative law judge's (ALJ) denial of its motion to dismiss and defer to final and binding arbitration an unfair practice charge filed by the Fremont Education Association, CTA/NEA (Association). A hearing on the unfair practice complaint is scheduled to begin on January 20, 1993.

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

PERB Regulation sections 32646(b), 32635 and 32370.¹ The filings of the appeal and any responses thereto will not be complete and before the Board until after January 20, 1993. 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. SF-CE-1557.

In the interest of economy, the Board ORDERS that the hearing in Fremont Union High School District, Case No. SF-CE-1557, be STAYED pending the Board's decision on the District's appeal of the ALJ's denial of its motion to dismiss complaint and defer to binding arbitration.

Members Caffrey and Blair joined in this Decision.

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