

**STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD**



SERVICE EMPLOYEES INTERNATIONAL
UNION LOCAL 521,

Charging Party,

v.

COUNTY OF SANTA CLARA,

Respondent.

SMCS Case No. 18-1-398

Case No. SF-CE-1670-M

PERB Order No. Ad-476-M

October 24, 2019

Appearance: Weinberg, Roger & Rosenfeld by Kerianne R. Steele, Attorney, for Service Employees International Union Local 521.

Before Banks, Shiners, and Krantz, Members.

DECISION

SHINERS, Member: This case is before the Public Employment Relations Board (PERB or Board) on appeal by Service Employees International Union Local 521 (SEIU) of an administrative determination (AD) by PERB's Office of the General Counsel. The AD granted SEIU's request to stay a decertification election in the County of Santa Clara's (County) Public Health Nurses bargaining unit pending resolution of SEIU's related unfair practice charge against the County.

On August 7, 2019, an administrative law judge (ALJ) issued a proposed decision in this case finding that the County violated the Meyers-Milias-Brown Act (MMBA)¹ by deciding to move forward with a decertification election based on a defective petition. The ALJ ordered the County to rescind its determination that the petition was valid and its request that the State

¹ The MMBA is codified at Government Code section 3500 et seq. All statutory references are to the Government Code unless otherwise indicated.

Meditation and Conciliation Service conduct a decertification election based on the petition. Neither party filed exceptions to the proposed decision, and it became final on September 4, 2019. On October 4, 2019, SEIU filed a request to withdraw its appeal of the AD.

Under the Board's authority to take any action in a pending case that the Board deems necessary to discharge its duties and effectuate the purposes of the statutes PERB enforces, the Board has discretion to grant or deny requests to withdraw and dismiss cases pending before the Board itself. (MMBA, § 3509, subd. (a); EERA, § 3541.3, subds. (i) and (n);² PERB Reg. 32320, subd. (a)(2) ["The Board itself may . . . [¶] . . . take such other action as it considers proper."];³ *State of California (Department of Personnel Administration)* (2010) PERB Decision No. 2152-S; *Grossmont-Cuyamaca Community College District* (2009) PERB Order No. Ad-380; *ABC Unified School District* (1991) PERB Decision No. 831b.) Given that the unfair practice charge underlying the stay has reached a final resolution, the Board finds granting SEIU's withdrawal request to be consistent with the MMBA's purpose of promoting harmonious labor relations.

ORDER

The request by Service Employees International Union Local 521 to withdraw its appeal of the administrative determination in Case No. SF-CE-1670-M is GRANTED.

Members Banks and Krantz joined in this Decision.

² The Educational Employment Relations Act (EERA) is codified at section 3540 et seq.

³ PERB Regulations are codified at California Code of Regulations, title 8, section 31001 et seq.