

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



ALHAMBRA TEACHERS ASSOCIATION,)	
CTA/NEA,)	
Charging Party,)	Case No. LA-CE-1955
)	
v.)	PERB Decision No. 491
)	
ALHAMBRA SCHOOL DISTRICT,)	March 1, 1985
)	
Respondent.)	
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Appearances: Michael R. White for Alhambra Teachers Association, CTA/NEA; O'Melveny & Myers by Catherine B. Hagen for Alhambra School District.

Before Hesse, Chairperson; Jaeger and Morgenstern, Members.

DECISION

JAEGER, Member: The General Counsel has requested that this matter be remanded to him for further action. Based upon the record and the General Counsel's report to the Board, it is hereby ORDERED that this case be remanded to the General Counsel for further action consistent with the provisions of Regulation 32620.¹

Member Morgenstern joined in this Decision.

Chairperson Hesse's dissent begins on page 2.

¹Public Employment Relations Board Regulations are codified at California Administrative Code, title 8, section 31001, et seq.

Hesse, Chairperson, dissenting: I dissent. Remanding to the General Counsel for further investigation is not only unnecessary, it is time consuming and will cause the parties and this agency to expend an unknown amount of resources on a case that should be dismissed now. The record amply supports a finding that the employer's action on September 27, 1983, affected only benefits of current retirees and not future retirement benefits for active employees. As retirees are not considered employees under the Educational Employment Relations Act (see San Leandro Unified School District (12/6/84) PERB Dec. No. 450), and as I find no ambiguity in the record that necessitates a remand for further investigation, I dissent from the majority opinion.