

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



CALIFORNIA SCHOOL EMPLOYEES)
ASSOCIATION AND ITS SAN JUAN)
CHAPTER 127,)
)
Charging Party,) Case No. S-CE-1179
)
v.) PERB Decision No. 679
)
SAN JUAN UNIFIED SCHOOL DISTRICT,) June 10, 1988
)
Respondent.)
_____)

Appearances; Marcia Rice, Field Representative, for California School Employees Association and its San Juan Chapter 127; Diana D. Halpenny, General Counsel, for San Juan Unified School District.

Before Hesse, Chairperson; Craib and Shank, Members.

DECISION

HESSE, Chairperson: This case is before the Public Employment Relations Board (Board) on appeal of a dismissal by a Board agent of an unfair practice charge. Charging party, California School Employees Association and its San Juan Chapter 127, alleges that respondent, San Juan Unified School District, violated section 3543.5(a), (b), and (c)¹ of the Educational Employment Relations Act (EERA) by discriminating against certain bus drivers with respect to assignment of work

¹EERA is codified at Government Code section 3540 et seq. Section 3543.5 provides, in pertinent part, as follows:

It shall be unlawful for a public school employer to:

on a new project.

On June 7, 1988, the general counsel's office of this agency requested that this case be remanded for further investigation. The Board has adopted a procedure whereby the general counsel's office conducts a routine review of cases dismissed by Board agents. As the Board noted in response to a similar request in California State Employees' Association (Morrow) (1986) PERB Decision No. 568-S, the purpose of the review procedure is to minimize, and hopefully reduce, appellate litigation prompted by inadequacies in the processing of unfair practice charges. A request for remand reflects the general counsel's reasoned conclusion that further investigation would serve that purpose. We conclude that the request for remand should be granted.

Therefore, upon review of the entire record, we find that the case is appropriately REMANDED to the general counsel for further investigatory proceedings. It is so ORDERED.

Members Craib and Shank joined in this Decision.

(a) impose or threaten to impose reprisals on employees, to discriminate or threaten to discriminate against employees, or otherwise to interfere with, restrain, or coerce employees because of their exercise of rights guaranteed by this chapter.

(b) Deny to employee organizations rights guaranteed to them by this chapter.

(c) Refuse or fail to meet and negotiate in good faith with an exclusive representative.