

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



JIM HARD, CATHY HACKETT & LARRY
PERKINS,

Charging Party,

v.

CALIFORNIA STATE EMPLOYEES
ASSOCIATION,

Respondent.

Case No. SA-CO-249-S

PERB Decision No. 1583-S

January 13, 2004

Appearances: Katzenbach and Khtikian by Christopher W. Katzenbach, Attorney, for Jim Hard, Cathy Hackett & Larry Perkins; Carroll, Burdick & McDonough by Timothy K. Talbot, Attorney, for California State Employees Association.

Before Baker, Whitehead and Neima, Members.

DECISION

WHITEHEAD, Member: This case is before the Public Employment Relations Board (PERB or Board) on exceptions filed by the California State Employees Association (CSEA) of an administrative law judge's (ALJ) proposed decision. The charge alleged that CSEA violated the Ralph C. Dills Act (Dills Act)¹ by unlawfully suspending Jim Hard (Hard), Cathy Hackett (Hackett) and Larry Perkins (Perkins), collectively the "charging parties," from holding CSEA elective office or positions for two years. The charging parties alleged that this conduct constituted a violation of Dills Act sections 3519.5(b) and 3515.5. The ALJ found that the charging parties stated a prima facie violation of retaliation under Section 3519.5(b) and that CSEA would not have taken the action but for the charging parties' protected conduct.

¹The Dills Act is codified at Government Code section 3512 et seq.

The ALJ also found that CSEA's discipline of the charging parties was unreasonable and in violation of Section 3515.5.

On July 14, 2003, CSEA filed its statement of exceptions to the ALJ's proposed decision and on August 5, 2003, the charging parties filed their response to CSEA's exceptions. On January 2, 2004, CSEA filed a request to withdraw its statement of exceptions and declared that it no longer wished to challenge the ALJ's proposed decision.

Upon review of the record, the Board finds CSEA's withdrawal of its exceptions to be in the best interests of the parties. The Board thereby accepts CSEA's withdrawal of its exceptions.

ORDER

The request by the California State Employees Association to withdraw exceptions to the administrative law judge's proposed decision in Case No. SA-CO-249-S is hereby GRANTED.

Members Baker and Neima joined in this Decision.