

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



KERN COMMUNITY COLLEGE DISTRICT,

Charging Party,

v.

CALIFORNIA SCHOOL EMPLOYEES
ASSOCIATION & ITS CHAPTERS 246, 336, &
617,

Respondent.

Case No. LA-CO-1324-E

PERB Decision No. 1999

January 20, 2009

Appearances: Liebert Cassidy Whitmore by Eileen O'Hare Anderson, Attorney, for Kern Community College District; Sonja J. Woodward, Attorney, for California School Employees Association & its Chapters 246, 336, & 617.

Before Neuwald, Chair; Wesley and Rystrom, Members.

DECISION

NEUWALD, Chair: This case is before the Public Employment Relations Board (Board) on appeal by the Kern Community College District (District) of a Board agent's dismissal of its unfair practice charge. The charge alleged that the California School Employees Association and its Chapters 246, 336 and 617 (CSEA) violated the Educational Employment Relations Act (EERA)¹ by refusing to bargain in good faith when it refused to sign a tentative agreement/memorandum of understanding, and subsequently engaged in bad faith acts including maintaining an untenable, unreasonable bargaining position; threatening to strike; engaging disruptive activities; and attempting to bypass the District bargaining team and directly deal with the District's Board of Trustees. The District alleged that this conduct constituted a violation of EERA section 3543.6(c).

¹EERA is codified at Government Code section 3540 et seq.

By letter dated December 17, 2008, the District notified the Board that on December 15 it reached a settlement with CSEA over the matters covered in the charge. The District requested to withdraw its appeal and the underlying unfair practice charge.

After reviewing this request and the entire record in this matter, the Board finds that granting this request is in the best interests of the parties and consistent with the purposes of EERA. Accordingly, the Board grants the withdrawal.

ORDER

It is hereby ORDERED that the request by the Kern Community College District to withdraw the unfair practice charge in Case No. LA-CO-1324-E is hereby GRANTED. It is ORDERED that the appeal is DISMISSED WITH PREJUDICE.

Members Wesley and Rystrom joined in this Decision.