

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



UNITED PUBLIC EMPLOYEES, LOCAL 1,

Charging Party,

v.

COUNTY OF SACRAMENTO,

Respondent.

Case No. SA-CE-857-M

PERB Decision No. 2442-M

July 23, 2015

Appearances: Ronald J. Slaven, Business Agent, for United Public Employees, Local 1; Timothy D. Weinland, Deputy County Counsel, for County of Sacramento.

Before Martinez, Chair; Banks and Gregersen, Members.

DECISION

MARTINEZ, Chair: This case is before the Public Employment Relations Board (PERB or Board) on exceptions filed by the County of Sacramento (County) to a proposed decision by a PERB administrative law judge (ALJ). The unfair practice complaint alleges that the County violated the Meyers-Milias-Brown Act (MMBA)¹ by unilaterally changing the union release time compensation policy when it denied union release time compensation to Bruce Valentine (Valentine), a member of the United Public Employees, Local 1 (UPE) bargaining team, during successor negotiations. The complaint alleges that this conduct constitutes a violation of MMBA sections 3503, 3505, 3506 and 3506.5, subdivisions (a), (b) and (c), and an unfair practice under MMBA section 3509, subdivision (b) and PERB Regulation 32603, subdivisions (a), (b) and (c).²

¹ The MMBA is codified at Government Code section 3500 et seq. All undesignated section references are to the Government Code.

² PERB regulations are codified at California Code of Regulations, title 8, section 31001 et seq.

The formal hearing was held on October 24, 2014, after which the case was submitted for decision. The ALJ issued her proposed decision on November 21, 2014, concluding that the County had engaged in the unfair practice as alleged, and ordered the County to reimburse Valentine for 20 hours of vacation leave he was required to use when the County denied him union release time to participate in successor negotiations in October and November 2013. The County timely filed a statement of exceptions and supporting brief on December 10, 2014, and UPE timely filed its response on December 30, 2014. By letter dated December 31, 2014, the Appeals Assistant notified the parties that the filings were complete.

By letter dated July 14, 2015, the County gave notice that the parties had reached a settlement of the matter, and provided the Board a copy of the parties' settlement agreement. As relevant here, UPE has agreed to withdraw its unfair practice charge with prejudice and the County has agreed to reimburse Valentine for the 20 hours of vacation leave. The County also has agreed to cease and desist from interfering with the right of bargaining unit employees to be represented, and from denying UPE the right to represent bargaining unit employees in their employment relations with the County.

The Board has the discretion to grant or deny requests to withdraw and dismiss cases pending before the Board itself. (PERB Reg. 32320, subd. (a)(2) ["The Board itself may: . . . take such other action as it considers proper."]; *State of California (Department of Personnel Administration)* (2010) PERB Decision No. 2152-S; *Grossmont-Cuyamaca Community College District* (2009) PERB Order No. Ad-380; *Oakland Unified School District* (1988) PERB Order No. Ad-171a; *ABC Unified School District* (1991) PERB Decision No. 831b.)

The Board has a longstanding policy favoring voluntary settlement of disputes, such as that achieved by the parties in this case. (*Dry Creek Joint Elementary School District* (1980) PERB Order No. Ad-81.) The Board finds the request for withdrawal to be in the best interest

of the parties and consistent with the purposes of the MMBA to promote harmonious labor relations.

ORDER

The request for withdrawal submitted by the County of Sacramento (County) in Case No. SA-CE-857-M is hereby GRANTED. The County's exceptions to the proposed decision are deemed withdrawn, and the proposed decision is vacated. The unfair practice complaint, and underlying unfair practice charge, is DISMISSED WITH PREJUDICE.

Members Banks and Gregersen joined in this Decision.