

STATE OF CALIFORNIA
DECISION OF THE EDUCATIONAL
EMPLOYMENT RELATIONS BOARD



JEFFERSON SCHOOL DISTRICT,

Employer,

and

AMERICAN FEDERATION OF TEACHERS,
LOCAL 3267,

Employee Organization,

and

JEFFERSON CLASSROOM TEACHERS
ASSOCIATION,

Employee Organization,
APPELLANT.

Case No. SF-D-12

EERB Order No. Ad-22

December 30, 1977

ORDER

The decision of the Executive Director, in the above-captioned matter, instructing the San Francisco Regional Director to stay all further proceedings in the representation case until there has been resolution of the unfair practice charges SF-CE-33 and SF-CO-6 is sustained by the Board itself.

Educational Employment Relations Board

by

STEPHEN BARBER
Executive Assistant to the Board

Jerilou Cossack Twohey, Member, concurring.

I agree that the decision of the Executive Director should be sustained. The Executive Director did not articulate his reasons

for concluding that the resolution of the unfair practice charges in cases numbered SF-CE-33 and SF-CO-6 may significantly influence the outcome of any election held in the captioned matter. I am, therefore, unable to support his reasoning.

As I have repeatedly stated, I believe that an administrative agency, as Justice Tobriner writing for the California Supreme Court stated, "must set forth findings to bridge the analytic gap between the raw evidence and ultimate decision or order.... Among other functions a findings requirement serves to conduce the administrative body to draw legally relevant subconclusions supportive of its ultimate decision; the intended effect is to facilitate orderly analysis and minimize the likelihood that the agency will randomly leap from evidence to conclusions.... They also serve a public relations function by helping to persuade the parties that administrative decision-making is careful, reasoned, and equitable."

Topanga Assn. v. County of Los Angeles, 11 Cal.3d 506, 113 Cal.Rptr. 836 (1974). This is particularly true in a case with broad policy implications, such as this one. However, a majority of the Board has elected not to set forth its findings of fact and conclusions of law. It would be an exercise in futility for me, as one member, to do so, since neither the parties nor any reviewing court could rely upon one member's opinion as accurately reflecting the reasoning of the Board as a whole.

Jerilou Cossack Twohey

Jerilou Cossack Twohey, Member

EDUCATIONAL EMPLOYMENT RELATIONS BOARD

Headquarters Office
23 12th Street, Suite 201
Sacramento, California 95814
(916) 322-3088



November 10, 1977

Re: Jefferson Elementary School District, SF-CO-6, SF-CE-33

Dear Parties:

After a review of the October 26, 1977, appeal filed by the Jefferson Classroom Teachers Association from the decision of Regional Director James W. Tamm, dated October 18, 1977, directing an election among the Certificated Employees of Jefferson School District upon the Decertification Petition of American Federation of Teachers, Local 3267; I find that the decision is reversed and the Regional Director is instructed to stay all further proceedings in the representation case until there has been resolution of the unfair practice charges, SF-CE-33 and SF-CO-6.

Based upon an investigation of the allegations raised in case numbers SF-CE-33 and SF-CO-6 and an evaluation of the Memorandum in Support of the Decision of the Regional Director dated November 4, 1977, and filed by American Federation of Teachers, Local 3267, and the Response to Appeal to Direction of Election dated November 4, 1977, and filed by the Jefferson School District, I have concluded that resolution of the unfair practice charges, SF-CE-33 and SF-CO-6, may significantly influence the outcome of the election; and therefore, pursuant to Section 33620 of Part III, Title 8, California Administrative Code, the decision of the Regional Director is hereby reversed and the Regional Director is instructed to stay all further proceedings in the representation case until there has been resolution of the pending unfair practice proceedings.

An appeal from this decision may be made within ten calendar days of receipt of this communication, stating the facts upon which the appeal is based and filed with the Executive Assistant to the Board, Mr. Stephen Barber, at 923 12th Street, Suite 201, Sacramento CA 95814. Copies of any appeal must be served upon all other parties to this action with an additional copy to the San Francisco Regional Office.

Sincerely,

A handwritten signature in cursive script that reads "Charles Cole".

Charles L. Cole
Executive Director

CLC/tz