

STATE OF CALIFORNIA  
DECISION OF THE  
PUBLIC EMPLOYMENT RELATIONS BOARD



CALIFORNIA SCHOOL EMPLOYEES	)	
ASSOCIATION AND ITS CHAPTER #568,	)	
	)	Case No. LA-CE-2894
Charging Party,	)	
	)	Stay of Hearing
v.	)	
	)	PERB Order Ad-213
SAN DIEGO COUNTY OFFICE OF	)	
EDUCATION,	)	September 18, 1990
	)	
Respondent.	)	
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Before Hesse, Chairperson; Camilli and Cunningham, Members.

ORDER

CAMILLI, Member: This matter is before the Public Employment Relations Board (Board) on appeal by the San Diego County Office of Education (San Diego COE) from an administrative law judge's (ALJ) denial of a motion to dismiss a complaint and defer the underlying unfair practice charge to final and binding arbitration, and on a motion requesting a stay of hearing. The hearing in this matter is scheduled to commence on September 20 and 21, 1990.

On August 29, 1990, the ALJ issued an Order Denying Respondent's Motion to Dismiss Complaint. The San Diego COE filed a timely appeal of that Order, and a Request for Stay of Hearing on the unfair practice charge, in accordance with Regulations 32646(b) and 32370.<sup>1</sup> However, the filings of the appeal, request for stay and responses thereto, may not be

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<sup>1</sup>PERB Regulations are codified at California Administrative Code, title 8, section 31001 et seq.

complete and before the Board until October 9, 1990, depending upon the method of service used.<sup>2</sup> A stay of the hearing pending the outcome of this interlocutory appeal is therefore appropriate in that the hearing will be unnecessary should the Board reverse the ALJ's ruling in Case No. LA-CE-2894.

In the interest of economy, the Board, on its own motion, ORDERS that the hearing in San Diego County Office of Education, Case No. LA-CE-2894, be STAYED pending resolution of San Diego COE's appeal of the ALJ's denial of its Motion to Dismiss and Defer to Arbitration.

Chairperson Hesse and Member Cunningham participated in this Decision.

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<sup>2</sup>Under PERB Regulation 32635(c), the California School Employees Association and its Chapter #568 has 20 days following the date of service of the appeal to file a statement in opposition to the appeal with the Board itself. The appeal was served on September 11, 1990.