

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



GROSSMONT-CUYAMACA COMMUNITY
COLLEGE DISTRICT,

Employer,

and

GROSSMONT-CUYAMACA COMMUNITY
COLLEGE DISTRICT FACULTY
ASSOCIATION,

Petitioner,

and

UNITED FACULTY OF GROSSMONT-
CUYAMACA COMMUNITY COLLEGE
DISTRICT,

Exclusive Representative.

Case No. LA-DP-370-E

Request for Stay

PERB Order No. Ad-378

May 4, 2009

Appearance: Marianne Reynolds, CCA Staff Consultant, for Grossmont-Cuyamaca Community College District Faculty Association.

Before McKeag, Neuwald and Dowdin Calvillo, Members.

DECISION

McKEAG, Member: This case is before the Public Employment Relations Board (PERB or Board) pursuant to an appeal filed by the Grossmont-Cuyamaca Community College District Faculty Association (Association) regarding the dismissal by a Board agent of a decertification petition. In its appeal, the Association requested that the election scheduled in Case No. LA-DP-369-E be stayed, pending the Board's decision on the merits of the Association's appeal.

On April 23, 2009, a decertification petition (LA-DP-370-E) filed by the Association regarding the faculty unit at Grossmont-Cuyamaca Community College District (District) was

dismissed by a Board agent for lack of sufficient support for its petition. That same day, PERB found that a decertification petition (LA-DP-369-M) filed by AFT Local 1931 (AFT) was timely submitted and accompanied by sufficient proof of support.

On April 28, 2009, the Board agent conducted a conference call with the District, AFT, and the incumbent exclusive representative (United Faculty) to schedule an election. The parties agreed that the notices of election will be posted on May 5, 2009, ballots mailed on May 13, and the ballots counted on June 12, 2009.

The Association appealed the dismissal of its petition in Case No. LA-DP-370-E and has requested that the election scheduled in Case No. LA-DP-369-E be stayed, pending the Board's decision on the merits of its appeal.

After careful review of this issue and consideration of the positions of the parties, the Board denies the Association's request for a stay of the election scheduled in Case No. LA-DP-369-E. The Board further orders that the ballots cast in this election be impounded pending the Board's decision on the merits of the Association's appeal in Case No. LA-DP-370-E.

ORDER

The request by the Grossmont-Cuyamaca Community College District Faculty Association (Association) to stay the representation election in Case No. LA-DP-369-E is hereby DENIED. The Office of the General Counsel is ordered to proceed with the election in accordance with PERB Regulations and thereafter impound the ballots pending the Board's decision on the merits of the Association's appeal in Case No. LA-DP-370-E.

Members Neuwald and Dowdin Calvillo joined in this Decision.