

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



COUNTY OF SACRAMENTO,

Employer,

and

ENGINEERING TECHNICIANS & TECHNICAL
INSPECTORS,

Petitioner,

and

UNITED PUBLIC EMPLOYEES, LOCAL 1,

Exclusive Representative.

Case No. SA-SV-181-M

Administrative Appeal

PERB Order No. Ad-408-M

April 8, 2014

Appearances: Krista C. Whitman, Assistant County Counsel, for County of Sacramento; Goyette & Associates, Inc. by Dee Contreras, Consultant, for Engineering Technicians & Technical Inspectors.

Before Martinez, Chair; Huguenin and Banks, Members.

DECISION

MARTINEZ, Chair: This case is before the Public Employment Relations Board (PERB or Board) on appeal by the Engineering Technicians & Technical Inspectors (ETTI) of the dismissal by the Office of the General Counsel of ETTI's petition for severance. The petition sought to sever the Code Enforcement Officer I/II and Senior Code Enforcement Officer classes from their current bargaining unit represented by the United Public Employees Local 1, and add them to the bargaining unit represented by ETTI. Given the existence of local rules that can accomplish what ETTI is seeking, the Office of the General Counsel dismissed the petition for lack of jurisdiction on October 15, 2013.¹

¹ The County and its employees are subject to the Meyers-Milias Brown Act (MMBA), codified at Government Code section 3500 et seq. Under MMBA section 3507, a public

By letter dated October 24, 2013, ETTI filed a timely appeal. By letter dated November 14, 2013, the County of Sacramento (County) requested an extension of time by which to file a response in order to pursue an informal resolution of the matter with ETTI. The proposed resolution was to allow ETTI to file a unit modification petition with the County on or about December 1, 2013. The County's request for an extension of time was granted and the new due date for filing the County's response to the appeal was December 6, 2013. No response was thereafter filed.

By letter of January 21, 2014, ETTI and the County jointly requested that the case be placed in abeyance pending resolution of the parties' dispute. The Board did not take action on this request. By letter of March 12, 2014, ETTI requested that its appeal be withdrawn. The parties amicably resolved their dispute by submitting to an arbitration process, which resulted in a decision granting the unit modification at issue, i.e., the severance petitioned for by ETTI.

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."]²; *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.)

Based on the Board's review of the parties' request and the entire record in this matter, the Board finds withdrawal of this case to be in the best interest of the parties and consistent

agency "may adopt reasonable rules and regulations after consultation in good faith with representatives of a recognized employee organization or organizations for the administration of employer-employee relations." Under MMBA section 3509, subdivision (a), PERB is vested with the authority to "adopt rules to apply in areas where a public agency has no rule."

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

with the purposes of the MMBA to promote harmonious labor relations. The Board has a longstanding policy favoring the voluntary settlement of disputes.

ORDER

The request by the Engineering Technicians & Technical Inspectors to withdraw its appeal in Case No. SA-SV-181-M is hereby GRANTED.

Members Huguenin and Banks joined in this Decision.