

STATE OF CALIFORNIA  
DECISION OF THE  
PUBLIC EMPLOYMENT RELATIONS BOARD



MIDDLETOWN TEACHERS ASSOCIATION, )  
CTA/NEA, )  
Charging Party, ) Case No. SF-CE-1514  
v. ) PERB Decision No. 1088  
MIDDLETOWN UNIFIED SCHOOL DISTRICT, )  
Respondent. )  
\_\_\_\_\_ )

Appearances: Law Offices of James G. Bertoli by James G. Bertoli, Attorney, for Middletown Teachers Association, CTA/NEA; Littler, Mendelson, Fastiff, Tichy and Mathiason by Sharon Seay, Attorney, for Middletown Unified School District.

Before Blair, Chair; Carlyle and Garcia, Members.

DECISION AND ORDER

BLAIR, Chair: The Middletown Teachers Association, CTA/NEA (Association) and the Middletown Unified School District (District) filed exceptions with the Public Employment Relations Board (PERB or Board) to a proposed decision of a PERB administrative law judge (ALJ). In his decision, the ALJ held that the District violated section 3543.5(a), (b) and (c) of the Educational Employment Relations Act (EERA)<sup>1</sup> when it unilaterally changed the past practice of allowing the announcement of Association activities at faculty meetings. The ALJ dismissed all other allegations of retaliation, unilateral change and interference.

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<sup>1</sup>EERA is codified at Government Code section 3540 et seq.

As a result of a settlement between the parties, the Association and the District have each filed a request with the Board to withdraw their respective exceptions and request that the proposed decision be vacated and the unfair practice charge and complaint be dismissed.

The Board has considered the request and concurs that it is in the best interests of the parties and is consistent with the purposes of the EERA.

It is hereby ORDERED that the exceptions are withdrawn, the proposed decision is VACATED, and the unfair practice charge and complaint in Case No. SF-CE-1514 are DISMISSED.

Members Carlyle and Garcia joined in this Decision.