

STATE OF CALIFORNIA  
DECISION OF THE  
PUBLIC EMPLOYMENT RELATIONS BOARD



HARTNELL COLLEGE FACULTY ASSOCIATION,	)	
	)	
Charging Party,	)	Case No. SF-CE-2116
	)	
V.	)	PERB Decision No. 1405
HARTNELL COMMUNITY COLLEGE DISTRICT,	)	September 26, 2000
	)	
Respondent.	)	

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Appearance: California Teachers Association by Eugene Huguenin, Jr., Attorney, for Hartnell College Faculty Association.

Before Dyer, Amador and Baker, Members.

DECISION

AMADOR, Member: This case comes before the Public Employment Relations Board (PERB or Board) on appeal by the Hartnell College Faculty Association (Association) to a Board agent's dismissal and refusal to issue complaint. The Board agent found that the Association had not stated a prima facie violation of the Educational Employment Relations Act (EERA).<sup>1</sup> The charge alleged that the Hartnell Community College District violated EERA by illegally interfering with the right of employees to be represented by the Association when it engaged in improper surveillance of e-mail.

In the warning letter dated June 5, 2000,<sup>2</sup> the Board agent informed the Association that unless he received an amended

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

<sup>2</sup>All dates refer to 2000.

charge or withdrawal before June 12, he would dismiss the charge. In the dismissal letter dated June 19, the Board agent stated that he had not received an amended charge and dismissed the charge based on the facts and reasons contained in the warning letter.

In its appeal, the Association states that it submitted an amended charge on or about March 23, which the Board agent apparently failed to receive and process. A copy of such a document bearing a PERB date stamp which supports this assertion is attached to the Association's appeal. The Association requests that the Board remand the case to the Board agent for further processing.

The Board has reviewed the entire record in this case. Based upon this review, the Board grants the Association's request and remands the case to the Board agent for further processing.

#### ORDER

The Public Employment Relations Board orders that the Board agent's dismissal and refusal to issue complaint of the unfair practice charge in Case No. SF-CE-2116 is hereby REMANDED to the PERB General Counsel's Office for further processing and investigation as necessary in order to determine whether a complaint should issue.

Members Dyer and Baker joined in this Decision.