

**STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD**

INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL 3,

Charging Party,

v.

MC CLOUD COMMUNITY SERVICES
DISTRICT,

Respondent.

Case No. SA-CE-120-M

PERB Decision No. 1625-M

April 29, 2004

Appearances: Weinberg, Roger & Rosenfeld by Matthew J. Gauger, Attorney, for International Union of Operating Engineers, Local 3; Kuykendall & Simas, by Steven L. Simas, Attorney, for McCloud Community Services District.

Before Duncan, Chairman; Whitehead and Neima, Members.

DECISION

NEIMA, Member: This case is before the Public Employment Relations Board (Board) on appeal by the International Union of Operating Engineers, Local 3 (IUOE) of a Board agent's dismissal of its unfair practice charge. The charge alleged that the McCloud Community Services District violated the Meyers-Milias-Brown Act (MMBA)¹ by refusing to recognize IUOE as the exclusive representative and refusing to bargain with the IUOE.

By letter dated April 9, 2004, IUOE seeks to withdraw their appeal. There is no indication that the withdrawal is not in the best interests of the parties or is inconsistent with the purposes of the MMBA. Accordingly, the Board grants the withdrawal.

¹The MMBA is codified at Government Code section 3500 et seq.

ORDER

The request of the International Union of Operating Engineers, Local 3 to withdraw its appeal in Case No. SA-CE-120-M is hereby GRANTED. Accordingly, the appeal and unfair practice charge are WITHDRAWN.

Chairman Duncan and Member Whitehead joined in this Decision.