

STATE OF CALIFORNIA  
DECISION OF THE  
PUBLIC EMPLOYMENT RELATIONS BOARD



MELVIN JONES, JR.,

Charging Party,

v.

COUNTY OF SANTA CLARA,

Respondent.

Case No. SF-CE-988-M

PERB Decision No. 2292-M

November 27, 2012

Appearances: Melvin Jones, Jr., on his own behalf; Cheryl A. Stevens, Deputy County Counsel, for County of Santa Clara.

Before Martinez, Chair; Dowdin Calvillo and Huguenin, Members.

DECISION

DOWDIN CALVILLO: This case is before the Public Employment Relations Board (PERB or Board) on appeal by Melvin Jones, Jr. (Jones) from the dismissal of an unfair practice charge. The charge alleged that the County of Santa Clara (County) violated the Meyers-Milias-Brown Act (MMBA)<sup>1</sup> by unilaterally changing the memorandum of understanding between the County and Jones's exclusive representative. On October 12, 2012, the PERB Office of the General Counsel dismissed the charge, finding that it failed to state a prima facie violation of the MMBA.

On October 15, 2012, Jones filed a timely appeal from the dismissal of the charge. On October 19, 2012, Jones filed a request to withdraw his appeal from dismissal.<sup>2</sup> That request states: "Also, as to related case #SF-CE-988-M, I hereby request that the Board withdraw my

<sup>1</sup> The MMBA is codified at Government Code section 3500 et seq.

<sup>2</sup> The October 19, 2012 filing also contained a request to include a document in connection with Jones's request for a new hearing filed in a related case, PERB Case No. SF-CE-646-M. That request is addressed in a separate Board decision.

Appeal of Board agents [sic] dismissal of case # SF-CE-988-M, [i]n the interest of judicial economy.” (Underlining in original.)

By letter dated October 25, 2012, the PERB Appeals Assistant acknowledged Jones’s request to withdraw his appeal in the instant case and notified the parties that the County would have until November 8, 2012, to submit a response to the October 15 appeal and October 19 request to withdraw the appeal. The County filed a response on November 7, 2012.

### DISCUSSION

The Board has the discretion to grant or deny requests to withdraw and dismiss cases pending before the Board itself. (PERB Reg. 32320;<sup>3</sup> *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-171; *ABC Unified School District* (1991) PERB Decision No. 831b .) Based on our review of Jones’s request and the entire record in this matter, the Board finds withdrawal is in the best interests of the parties and consistent with the purposes of the MMBA. Accordingly, the Board grants Jones’s request to withdraw his appeal.

### ORDER

The request by Melvin Jones, Jr., to withdraw the appeal from dismissal in Case No. SF-CE-988-M is hereby GRANTED.

Chair Martinez and Member Huguenin joined in this decision.

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<sup>3</sup> PERB Regulations are codified at California Code of Regulations, title 8, section 31001 et seq.