

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



MAGGIE L. BROWN, ET AL.,)
)
 Petitioners,) Case No. SF-D-114
) (R-552C)
 and)
) PERB Order No. Ad-142
 UNITED PUBLIC EMPLOYEES, LOCAL)
 390/400, SERVICE EMPLOYEES)
 INTERNATIONAL UNION,) August 16, 1984
)
 Exclusive Representative,)
)
 and)
)
 SAN FRANCISCO UNIFIED SCHOOL DISTRICT,)
)
 Employer.)
 _____)

Appearances: Van Bourg, Allen, Weinberg & Roger by Vincent A. Harrington, Jr., Esq., representing United Public Employees Local 390/400; Robert C. Evans, Jr., Esq., representing Maggie L. Brown, et al.

Before Hesse, Chairperson; Tovar and Morgenstern, Members.

DECISION AND ORDER

HESSE, Chairperson: United Public Employees, Local 390/400, Service Employees International Union (the Union), appeals a determination by a Public Employment Relations Board (PERB or Board) agent that temporary employees are not included in the blue-collar unit represented by the Union, and that the Memorandum of Understanding that expired October 31, 1983 does not bar the decertification petition filed by Maggie Brown and others on September 29, 1983. Pending resolution of this

appeal, the Union has requested a stay of the decertification election because the issues on appeal directly affect the validity of the decertification election.

Because the question of whether or not the petitioning employees met the required 30 percent showing of interest required by PERB regulation 32770(b) is directly affected by whether the temporary employees are considered part of the unit, we find it appropriate to stay any election until the Board rules on the appeal filed by the Union.

The Board hereby ORDERS that the decertification election requested by Maggie Brown et al. be STAYED pending our determination of the appeal filed by the union.

Members Tovar and Morgenstern joined in this Decision.