

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



CLOVIS UNIFIED TEACHERS ASSOCIATION,)
CTA/NEA,)
Charging Party,)
v.)
CLOVIS UNIFIED SCHOOL DISTRICT,)
Respondent.)
-----)
CLOVIS UNIFIED TEACHERS ASSOCIATION,)
CTA/NEA,)
Employee Organization,)
and)
CLOVIS UNIFIED SCHOOL DISTRICT,)
Employer.)
-----)

Case No. S-CE-635
Request for
Judicial Review
PERB Decision No. 389

PERB Order No. JR-12
December 14, 1984

Case No. S-R-729

Appearances: Diane Ross, Attorney for Clovis Unified Teachers Association, CTA/NEA; Finkle & Stroup by Harry Finkle and Mary Beth de Goede for Clovis Unified School District.

Before Tovar, Jaeger and Morgenstern, Members.

DECISION AND ORDER

MORGENSTERN, Member: On July 26, 1984, the Clovis Unified School District (District) requested that the Public Employment Relations Board (PERB) join it in seeking judicial review of PERB Decision No. 389 pursuant to section 3542(a) of the Educational Employment Relations Act (EERA).¹

¹The EERA is codified at Government Code section 3540 et seq,

Section 3542 (a) provides:

On July 31, the District filed a Petition for Writ of Review and Request for a Stay of PERB's election order in the Court of Appeal. The District's Request for a Stay was denied and, on November 2, 1984, the District filed a Request for Dismissal of its Petition. The Petition was dismissed on November 20, 1984.

Because the instant request is rendered moot by the dismissal of the underlying court action, the request that the PERB join in requesting review of Clovis Unified School District (7/2/84) PERB Decision No. 389 is hereby DENIED.

Members Tovar and Jaeger joined in this Decision.

No employer or employee organization shall have the right to judicial review of a unit determination except: (1) when the board in response to a petition from an employer or employee organization, agrees that the case is one of special importance and joins in the request for such review; or (2) when the issue is raised as a defense to an unfair practice complaint. A board order directing an election shall not be stayed pending judicial review.