

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



NORTH COUNTY TRANSIT DISTRICT,

Employer,

and

GROUP OF EMPLOYEES,

Petitioner,

and

INTERNATIONAL ASSOCIATION OF SHEET
METAL, AIR, RAIL AND TRANSPORTATION
WORKERS,

Exclusive Representative.

SMCS Case No. 23-3-226

Case No. LA-DP-470-M¹

Request for Stay

PERB Order No. Ad-513-P

April 4, 2024

Appearance: Luke Rebecchi, House Counsel, for International Association of Sheet Metal, Air, Rail and Transportation Workers.

Before Banks, Chair; Krantz and Nazarian, Members.

DECISION

BANKS, Chair: This case is before the Public Employment Relations Board (PERB or Board) on administrative appeal by the International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART) from an administrative determination of the State Mediation and Conciliation Service (SMCS) denying SMART's motion to dismiss a Group of Employees' decertification petition, and to

¹ Due to technical constraints, this case was assigned a case number with the M suffix. However, the matter arises out of the Public Utilities Code and not the Meyers-Milias-Brown Act.

therefore proceed with processing the decertification petition. In its appeal, SMART requests that the Board stay SMCS' administrative determination pursuant to PERB Regulation 32370.²

The Board has discretion to issue a stay and has done so when an "action or order would be rendered unnecessary should the Board reverse the Board agent's ruling." (*City of Carson* (2003) PERB Order No. Ad-323-M, p. 3.) Because further processing of the decertification petition in this matter would be unnecessary if the Board reverses the administrative determination, a stay of activity is appropriate pending the Board's final decision on the matter.

ORDER

The request by the International Association of Sheet Metal, Air, Rail and Transportation Workers for a stay of the administrative determination in Case No. LA-DP-470-M is hereby GRANTED. No further proceedings shall occur except by further order of the Board.

Members Krantz and Nazarian joined in this Decision.

² PERB Regulations are codified at California Code of Regulations, title 8, section 31001 et seq.