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County of Riverside v. Public Employment Relations Board

Court of Appeal, Fourth District, Division 1, California - March 30, 2016 - Cal.Rptr.3d - 2016 WL 1238737 - 16 Cal. Daily Op. Serv. 3395

County filed a petition for writ of mandate and a complaint for declaratory relief, injunctive relief, breach of contract, and statutory and constitutional violations challenging Public Employment Relations Board's (PERB) acceptance of union's request for impasse resolution through advisory factfinding.

The Superior Court denied PERB's anti-strategic lawsuit against public participation (SLAPP) motion, denied PERB's request for sanctions for violating scheduling order, and issued an injunction and a writ of mandate precluding PERB from processing any factfinding requests under the Meyers–Milias–Brown Act not arising from negotiations for a new or successor memorandum of understanding (MOU). PERB and county appealed.

The Court of Appeal held that:

- Meyers–Milias–Brown Act advisory factfinding provisions do not violate the state constitution's home rule doctrine, and
- PERB's processing and approval of union's request to utilize the factfinding procedures were within anti-SLAPP protection.

The provisions in the Meyers–Milias–Brown Act for impasse resolution through advisory factfinding apply to impasses arising during the negotiation of any bargainable matter, not just to the negotiation of a comprehensive memorandum of understanding (MOU).

Court of Appeal would decide Public Employment Relations Board's (PERB) and county's cross-appeals from trial court's injunction and writ of mandate limiting PERB's use of the Meyers–Milias–Brown Act's provisions for impasse resolution through advisory factfinding, even if the union's withdrawal of its factfinding request rendered the case technically moot, since the case presented important issues.

The provisions in the Meyers–Milias–Brown Act for impasse resolution through advisory factfinding for a public agency at an impasse in negotiations with a union do not violate the state constitution's home rule doctrine by delegating a county's or a city's home rule powers to a private person or body, since the Act's factfinding provisions do not result in a binding decision, and the factfinding provisions result in advisory findings and recommendations which the public agency remains free to reject.

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