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EMPLOYMENT - CALIFORNIA

Visalia Unified School District v. Public Employment Relations Board

Court of Appeal, Fifth District, California - January 9, 2024 - Cal.Rptr.3d - 2024 WL 95058 - 2024 Daily Journal D.A.R. 373

Union filed an unfair practice charge with the Public Employment Relations Board (PERB), alleging that school district fired union officer in retaliation for engaging in protected activity in violation of the Educational Employment Relations Act (EERA). PERB found in officer's favor.

School district petitioned for writ of review.

The Court of Appeal held that:

- Holding of a union office fell within the activities protected by the EERA;
- Substantial evidence supported PERB's conclusions that school district terminated union officer in retaliation for her protected activity, based on temporal proximity, district's inadequate investigation, exaggerated and noncontemporary justifications, and union animosity;
- PERB's conclusions that district treated officer disparately and the sanction of termination was disproportionate were not supported by substantial evidence; and
- Record compelled a finding that district would have terminated officer for inaccurately entering student attendance even absent her protected activity.