



# Stone Busailah, LLP

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## PERB JURISDICTION UPDATE

*Association of Orange County Deputy Sheriffs v. County of Orange,*

PERB Decision No. 2657-M (Issued July 15, 2019)

*By Robert Rabe Esq.*

In this most recent case, the question was whether the Public Employment Relations Board (PERB) had jurisdiction to hear claims brought by “employee organizations” comprised of Penal Code section 830.1 peace officers.

The dispute involves the interpretation of Meyers Milas Brown Act (MMBA) which bars persons who are peace officers from filing unfair labor practice claims with PERB (Government Code section 3511).

According to the County, since PERB lacks jurisdiction to hear claims brought by individual peace officers, this bar should also include organizations that represent persons who are peace officers, because such claims would necessarily impact those peace officers. The PERB Board rejected the County’s arguments, holding that PERB has jurisdiction over claims brought by employee organizations which represent bargaining units composed partially or entirely of peace officers. In other words, while section 3511 prohibits natural persons who are

peace officers from filing claims with PERB, it is permissible for their Associations to do so.

This an important decision, because it is the first time PERB has held it has jurisdiction to hear MMBA unfair practice charges brought by employee organizations representing only peace officers.

Note: Individual peace officers must still file an unfair labor practice claim in the Superior Court.

Stay Safe!

*Robert Rabe* is Stone Busailah, LLP’s writs and appeals specialist. His 41 years practicing law include 15 years as a Barrister, Supreme Court of England and Wales, practicing in London, England.

**“Defending Those Who Protect Others”**