

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



CALIFORNIA STATE EMPLOYEES'
ASSOCIATION,)

Charging Party,)

v.)

REGENTS OF THE UNIVERSITY OF
CALIFORNIA,)

Respondent.)

Case No. SF-CE-85-H

PERB Decision No. 340-H

August 24, 1983

Appearances: Howard Eberhart, Steward, for California State Employees' Association.

Before Tovar, Jaeger and Morgenstern, Members.

DECISION AND ORDER

TOVAR, Member: This case is before the Public Employment Relations Board (PERB) on appeal by the California State Employees' Association (CSEA) to an administrative law judge's (ALJ) dismissal of complaint and case closure.

PERB regulation section 32652 (California Administrative Code, title 8, part III), states that ". . . If a request for hearing is not filed within six months from the date of the issuance of the complaint, the complaint will be dismissed unless good cause is shown." The ALJ held that pending settlement discussions are not sufficient reason to delay setting a case for hearing within six months after the issuance of the complaint and, consequently, closed the case.

After a careful review of the record, we agree with the ALJ that CSEA's desire to continue negotiating a settlement does not excuse its failure to meet the time limits established by PERB Rule 32652.

However, on appeal, CSEA maintains that its request for hearing was timely filed. The basis for CSEA's assertion is an alleged telephone conversation with the ALJ during which, according to CSEA, he granted the employee organization an extension of time to file the request for hearing. CSEA asserts that it submitted its request within the extended time limits and, on this basis, argues that the ALJ acted improperly in dismissing the complaint.

We reject CSEA's argument because PERB regulations are clear that any request for an extension of time within which to file any document with a Board agent shall be in writing and filed three days before the expiration of the time required for filing.¹

¹PERB Regulation 32132 states:

32132. Extension of Time.

(b) A request for an extension of time within which to file any document with a Board agent shall be in writing and shall be filed with the Board agent at least three days before the expiration of the time required for filing. The request shall indicate the reason for the request and, if known, the position of each other party regarding the extension. Service and proof

Since CSEA did not comply with the terms of the applicable regulation, we ORDER that the above-referenced case be DISMISSED.

Members Jaeger and Morgenstern joined in this Decision.

of service pursuant to Section 32140 are required. Extensions of time may be granted by the Board agent for good cause only.

STATE OF CALIFORNIA
PUBLIC EMPLOYMENT RELATIONS BOARD



CALIFORNIA STATE EMPLOYEES' ASSOCIATION,)	
)	
Charging Party,)	Case No. SF-CE-85-H
)	
v.)	
)	
REGENTS OF THE UNIVERSITY OF CALIFORNIA,)	NOTICE OF DISMISSAL OF
)	<u>COMPLAINT AND CASE CLOSURE</u>
)	
Respondent.)	
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NOTICE IS HEREBY GIVEN that the above-captioned unfair practice complaint issued on March 8, 1982 is DISMISSED because of Charging Party's failure to timely pursue this matter. Pending settlement discussions are not sufficient reason to delay setting a case for hearing within six months after issuance of the complaint. Accordingly, the case is closed.

This action may be appealed to the Public Employment Relations Board (hereafter PERB) itself within twenty (20) calendar days after service of this Notice pursuant to California Administrative Code, title 8, part III, section 32630(b)(2) and (c). Such appeal must be actually received by the Executive Assistant to the PERB at 1031 18th Street, Sacramento, CA 95814, before the close of business (5:00 p.m.) on November 15, 1982 in order to be timely

filed. Such appeal must be in writing, must be signed by the charging party or its agent, and must contain the facts and arguments upon which the appeal is based. The appeal must be accompanied by proof of service upon all parties. (See sections 32124, 32140 and 32142.)

DATED: October 26, 1982

GERALD A. BECKER
Administrative Law Judge