

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



CALIFORNIA SCHOOL EMPLOYEES)	
ASSOCIATION AND ITS ATASCADERO)	
CHAPTER NO. 124,)	
)	
Employee Organization,)	Case No. LA-UM-146
)	LA-R-369
and)	
)	PERB Order No. Ad-120
ATASCADERO UNIFIED SCHOOL DISTRICT,)	
)	Administrative Appeal
Employer,)	
APPELLANT.)	December 16, 1981

Appearances: Carl B. A. Lange, III, Representative for Atascadero Unified School District.

Before Gluck, Chairperson; Moore and Tovar, Members.

DECISION

This case is before the Public Employment Relations Board (hereafter PERB or Board) on an appeal by the Atascadero Unified School District to the attached determination by the executive assistant to the Board rejecting its response to exceptions in the above-captioned case because said response was not timely filed. PERB rules governing the filing of such pleadings are clear.¹ Appellant has not demonstrated the

¹PERB rules are codified at Title 8, section 31000 et seq. of the California Administrative Code. All references are to the Administrative Code, unless otherwise indicated. Section 32135 provides:

All documents shall be considered "filed"

existence of extraordinary circumstances which would justify the late filing, as required by PERB rule 32133.2

ORDER

The Board affirms the determination of the executive assistant to the Board and DENIES the appeal.

PER CURIAM

by a party when actually received by the proper recipient before the close of business on the last day set for filing.

Section 32310 provides:

Within 20 days following the date of service of the statement of exceptions, any party may file with the Board itself an original and four copies of a response to the statement of exceptions and a supporting brief. The response shall be filed with the Executive Assistant to the Board. Service and proof of service of these documents pursuant to section 32140 are required.

²Section 32133 provides:

A late filing may be excused in the discretion of the Board only under extraordinary circumstances.

PUBLIC EMPLOYMENT RELATIONS BOARD

Headquarters Office
1031 18th Street, Suite 200
Sacramento, California 95814
(916) 322-3088



September 10, 1981

Carl B. A. Lange, III
Schools Legal Service
5801 Sundale Avenue
Bakersfield CA 93309

RE: ATASCADERO UNIFIED SCHOOL DISTRICT
CASE NO. LA-UM-146; LA-R-369

Dear Mr. Lange:

This acknowledges receipt of your "Response to Exceptions" in the above-noted case.

Unfortunately, your response was not timely filed, pursuant to California Administrative Code, title 8, section 32310, and must be rejected. The Association's exceptions were served on August 14, 1981; the District's response was, therefore, due in this office on or before September 3, 1981. The District's response was received here on September 8, 1981.

Pursuant to section 32360 of the Board's rules, you may appeal this rejection to the Board itself. Should you choose to do so, your appeal must be received in this office on or before Monday, September 21, 1981. Service and proof of service of the appeal on the other party is required.

Sincerely,

J. STEPHEN BARBER
Executive Assistant to the Board

cc: E. Luis Saenz, Atty.
California School Employees Association