

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



ALLAN HANCOCK COLLEGE PART-TIME
FACULTY ASSOCIATION,

Charging Party,

v.

ALLAN HANCOCK JOINT COMMUNITY
COLLEGE DISTRICT,

Respondent.

Case No. LA-CE-4748-E

Administrative Appeal

PERB Order No. Ad-340

September 7, 2004

Appearance: Liebert Cassidy Whitmore by Linda Jenson, Attorney, for Allan Hancock Joint Community College District.

Before Duncan, Chairman; Whitehead and Neima, Members.

DECISION

NEIMA, Member: This case is before the Public Employment Relations Board (PERB or Board) on appeal by the Allan Hancock Joint Community College District (District) from the Appeals Assistant's administrative determination that its opposition to the appeal of the Board agent's dismissal of the unfair practice charge was untimely filed.

Pursuant to PERB Regulation 32635(c)¹, the District's opposition was due to be filed in the PERB headquarters office no later than July 9, 2004.² According to the proof of service, the District served its opposition on July 2, 2004. However, the opposition was mailed to the PERB Los Angeles regional office, instead of to the headquarters office. The opposition was

¹PERB regulations are codified at California Code of Regulations, title 8, section 31001, et seq.

²This includes five (5) extra days pursuant to PERB Regulation 32130(c).

eventually forwarded to the headquarters office and filed on July 13, 2004. Thus, the opposition was four (4) days late.

Citing to North Orange County Regional Occupational Program (1990) PERB Decision No. 807 (North Orange County), the District requests that the Board find good cause to excuse its late filing. North Orange County involved almost an identical situation where a filing was timely except that it was sent to a regional office instead of to the headquarters office. As the facts in North Orange County are almost identical to those here, the Board grants the District's request. Accordingly, the Board finds good cause to excuse the District's late filing.

ORDER

The Allen Hancock Joint Community College District's request that the Board accept its late-filed opposition in Case No. LA-CE-4748-E is hereby GRANTED.

Chairman Duncan and Member Whitehead joined in this Decision.