

STATE OF CALIFORNIA
DECISION OF THE PUBLIC
EMPLOYMENT RELATIONS BOARD



HANFORD HIGH SCHOOL FEDERATION
OF TEACHERS, AFT, AFL-CIO,

Charging Party,

vs.

HANFORD JOINT UNION HIGH SCHOOL
DISTRICT BOARD OF TRUSTEES,

Respondent.

Case No. S-CE-59

PERB Decision No. 46

February 1, 1978

Appearances: Robert J. Bezemek, Attorney (Van Bourg, Allen, Weinberg and Roger) for Hanford High School Federation of Teachers, AFT, AFL-CIO; James B. Orton, Attorney (Kings County Counsel) for Hanford Joint Union High School District Board of Trustees.

Before Gonzales and Cossack Twohey, Members.

OPINION

The Hanford High School Federation of Teachers appeals to the Public Employment Relations Board the dismissals by the General Counsel of the amended unfair practice charge it filed against the Hanford Joint Union High School District Board of Trustees and the second amended unfair practice charge it filed against the Hanford Joint Union High School District Board of Trustees. The General Counsel dismissed each because it was not timely filed pursuant to the Board's rules and regulations.

The Federation filed its original charge on May 19, 1977. On May 25,

the General Counsel dismissed the charge with leave to amend by June 4 and noted that the Federation might instead file an appeal with the Board by June 4. On June 15 the Federation filed the amended charge, having filed no appeal. The General Counsel dismissed the amended charge without leave to amend on the ground that it was not timely filed and gave the Federation until June 25 to appeal this second dismissal. On July 8 the Federation filed the second amended charge, having filed no appeal. The General Counsel dismissed the second amended charge without leave to amend and gave the Federation until July 21 to appeal this third dismissal. On July 19 the Federation did file a timely appeal to the Board, urging it to accept the late-filed amended charges, but giving no explanation as to why the various documents had been filed late. The District noted in its response to the appeal that the Federation had not demonstrated good cause for the late filings. On August 4, 1977, the Federation submitted declarations intended to show good cause for the untimely filings.

The Board has considered the record in this case. We are in agreement with the Notice of Dismissal of the Amended Charge and the Notice of Dismissal of the Second Amended Charge, attached hereto, and the rationales contained therein. We therefore sustain the General Counsel's dismissals of the first amended and second amended charges.

By Raymond J. Gonzales Member

By Jerilou Cossack Twohey, Member

STATE OF CALIFORNIA

EDUCATIONAL EMPLOYMENT RELATIONS BOARD

NOTICE OF DISMISSAL WITHOUT LEAVE TO AMEND

CHARGING PARTY: HANFORD HIGH SCHOOL FEDERATION OF TEACHERS, AFT, AFL-CIO
and MR. ROD ALTHOUSE

RESPONDENT: HANFORD JOINT UNION HIGH SCHOOL DISTRICT BOARD OF TRUSTEES

CASE NUMBER: S-CE-59 (Amended Charge)

Notice is hereby given that the above charge is dismissed without leave to amend. The dismissal is on the following ground:

This amendment was not timely filed. The Notice of Dismissal served on May 25, 1977 allowed ten calendar days for amendment or appeal. This amendment was not received until after ten days had elapsed.

The above action is taken pursuant to EERB Regulation 35007(a). If the charging party chooses to obtain review of the dismissal, it must file an appeal with the Board itself within ten (10) calendar days after service of this Notice of Dismissal. Such appeal must be in writing, signed by the party or its agent, and contain the facts and arguments upon which the appeal is based. EERB Regulation 35007(b).

Date: June 15, 1977

WILLIAM P. SMITH
General Counsel

By

Ronald E. Blubaugh
Hearing Officer

WPS/REB/jd

STATE OF CALIFORNIA
EDUCATIONAL EMPLOYMENT RELATIONS BOARD
NOTICE OF DISMISSAL WITHOUT LEAVE TO AMEND

CHARGING PARTY: HANFORD HIGH SCHOOL FEDERATION OF TEACHERS, AFT, AFL-CIO
AND MR. ROD ALTHOUSE

RESPONDENT: HANFORD JOINT UNION HIGH SCHOOL DISTRICT BOARD OF TRUSTEES

CASE NUMBER: S-CE-59 (Second Amended Charge)

Notice is hereby given that the above second amended charge, filed July 8, 1977, is dismissed without leave to amend. The dismissal is on the following ground:

On May 19, 1977, the charging party filed the original charge, S-CE-59. On May 25, 1977, the general counsel dismissed the charge because the charging party is not the exclusive representative. The general counsel allowed ten (10) days to amend the charge or appeal the dismissal to the Board itself. No timely amendment or appeal was taken.

On June 15, 1977, the charging party filed an amended charge. This amended charge was dismissed by the general counsel as not timely filed and the general counsel allowed ten (10) days to appeal the dismissal to the Board itself. No timely appeal was taken.

On July 8, 1977, the charging party filed this second amended charge. This second amended charge is dismissed as not timely filed.

The above action is taken pursuant to EERB Regulation 35007(a). If the charging party chooses to obtain review of the dismissal, it must file an appeal with the Board itself within ten (10) calendar days after service of this Notice of Dismissal. Such appeal must be in writing, signed by the party or its agent, and contain the facts and arguments upon which the appeal is based. EERB Regulation 35007(b).

Date: July 11, 1977

WILLIAM P. SMITH
General Counsel

By

Ronald E. Blubaugh
Hearing Officer

WPS/REB/jd