STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD

CALIFORNIA STATE EMPLOYEES' ASSOCIATION, CHAPTER 41,	)	
Charging Party,	)	Case No. SF-CE-145-H
v.	)	PERB Decision No. 403-H
REGENTS OF THE UNIVERSITY OF CALIFORNIA,	)	September 6, 1984
Respondent.	)	

Appearances; Ernest Haberkern for California State Employees' Association; Edward M. Opton, Jr. for The Regents of the University of California.

Before Tovar, Jaeger and Morgenstern, Members.

DECISION

TOVAR, Member: This case is before the Public Employment Relations Board (PERB or Board) on appeal filed by the California State Employees' Association, Chapter 41 (CSEA, Association or Charging Party) of a regional attorney's partial refusal to issue a complaint and partial dismissal of an unfair practice charge (pursuant to PERB regulation section 32630) for failure to state a prima facie violation of the Higher Education Employer-Employee Relations Act (HEERA).[1]

[1]HEERA is codified at Government Code section 3560 et seq. All statutory references are to the Government Code unless otherwise specified.

PERB rules and regulations are codified at California

The regional attorney dismissed part of the charge on the basis that the Association did not establish the necessary "nexus" showing that the employer's actions were motivated by Charging Party's participation in protected activity, but issued a complaint on that part of the charge alleging prima facie violation of Liebman's right to have union representation at a meeting convened on February 2, 1983, by an employer representative.

Upon review of his basis for dismissal, CSEA's appeal, the University's response thereto and the entire record, we conclude that the regional attorney erred in refusing to issue a complaint on the dismissed portions of the charge, for the reasons discussed below.

FACTUAL SUMMARY

On December 28, 1982, CSEA filed the instant unfair practice charge against the University of California (UC or University) alleging violation of HEERA subsection 3571(a).[2]

Administrative Code, title 8, section 31001 et seq.; section 32630 states:

> If the Board agent concludes that the charge or the evidence is insufficient to establish a prima facie case, the Board agent shall refuse to issue complaint, in whole or in part. The refusal shall constitute a dismissal of the charge. The refusal, including a statement of the grounds for refusal, shall be in writing and shall be served on the charging party and respondent.

[2]Section 3571(a) makes unlawful certain conduct by the

The charge alleges that, within the six month period immediately preceding the filing of the unfair practice charge, Ms. Nikki Bailey, a long-term employee of the Department of Computing Affairs, was discharged from employment in reprisal for seeking and obtaining representation from the Association and participating in PERB Case No. SF-CE-78-H.

On April 18, 1983, April 20, 1983 and May 9, 1983, the charge was amended to allege that the University had similarly unlawfully discriminated against employee Ellen Liebman in reprisal for her exercise of protected activity. This protected activity consisted of being a named plaintiff and witness in the unfair practice charge and hearing against the University in PERB Case No. SF-CE-78-H.

Ms. Liebman's immediate supervisor, Margaret Baker, took the stand to counter Liebman's testimony on the 78-H proceeding. CSEA alleges that Peter Rauch, another one of Liebman's supervisors, also participated in the hearing.

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higher education employer. It states:

> It shall be unlawful for the higher education employer to:
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> Impose or threaten to impose reprisals on employees, to discriminate or threaten to discriminate against employees, or otherwise to interfere with, restrain, or coerce employees because of their exercise of rights guaranteed by this chapter.

Post-hearing briefs in that case were completed on January 24, 1983.[3]

In the instant case, Charging Party alleges the University's unlawful conduct to consist of (1) changing Ms. Liebman's work schedule; (2) denying Ms. Liebman the right to have a union representative present during a meeting with a supervisor; (3) sending Ms. Liebman a letter of warning threatening dismissal on the grounds that she refused both to attend the meeting without her union representative and to distribute evaluation forms to her students; and (4) sending her a letter of warning threatening dismissal if she refused to comply with her recently revised work schedule.

Several weeks prior to January 12, 1983, Liebman and a fellow employee, Paul Chase, had made a request to their supervisors, Baker and Rauch, for a reclassification and job audit. Liebman had asked Rauch to meet with Kevin McCurdy, her union representative, to discuss the reclassification. This request was denied.

On January 12, 1983, Liebman and Chase submitted a request to Baker for job audit forms as part of a University-established appeal procedure.

On January 13, 1983, the work schedule Liebman had worked since March 1977, was changed. Paul Chase's schedule was

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[3]The ALJ's proposed decision was issued on April 16, 1984.

likewise changed. Prior to this development, Liebman and Chase enjoyed a schedule and duties similar to those of approximately 20 other programmers and assistant programmers; but only Liebman and Chase experienced a work-schedule change.

On February 2, 1983, Rauch asked to meet with Liebman regarding her request for job audit forms. Liebman refused to attend without a union representative, fearing possible disciplinary consequences of such a meeting.

Subsequently, Liebman received a letter of warning threatening her with discipline, including dismissal, if she continued to work her old schedule.

DISCUSSION

PERB Regulation 32620 states in part as follows:

> (b) The powers and duties of such Board agent shall be to:
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> . . . . . .
>
> (5) Dismiss the charge or any part thereof as provided in section 32630 if it is determined that the charge or the evidence is insufficient to establish a prima facie case . . . .

The Board has ruled that, in cases where it is alleged that the employer's action is undertaken as a reprisal[4] against an

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[4]Subsection 3571(a) provides:

> It shall be unlawful for the higher education employer to:
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> (a) Impose or threaten to impose reprisals on employees, to discriminate or threaten to

employee because of his/her exercise of a protected right, a prima facie charge will be sustained if the Charging Party-establishes that the employer's conduct was motivated by the employee's exercise of a statutory right. Novato Unified School District (4/30/82) PERB Decision No. 210; Regents of the University of California (Lawrence Livermore National Laboratory) (4/30/82) PERB Decision No. 212-H.

In order to sustain a charge of reprisal in this case, Charging Party needs to state the protected activity Ms. Liebman was involved in, respondent's knowledge of Ms. Liebman's participation in such an activity, and how her participation in that protected activity was a motivating factor in the change in her work schedule. Novato, supra. The regional attorney concluded that CSEA failed to establish these essential points.

In considering an appeal of dismissal of an unfair practice charge all facts alleged in the charge must be deemed true. State of California (Department of Transportation) (8/18/83) PERB Decision No. 333-S.

Contrary to the regional attorney's finding, we feel Charging Party has demonstrated a nexus sufficient to establish a prima facie case.

> discriminate against employees, or otherwise to interfere with, restrain, or coerce employees because of their exercise of rights guaranteed by this chapter.

The crux of Ellen Liebman's protected activity was her participation in the SF-CE-78-H case.[5] she was a named plaintiff who testified against the University. Her immediate supervisors were aware of her participation since Baker was a witness on behalf of the University. Although the hearing on that case concluded on September 1, 1982, the controversy continued since post-hearing briefs were not submitted until January 24, 1983, and a proposed decision not issued until April 16, 1984.

The University's subsequent interactions with Liebman appear to have been affected by the fact that she brought charges against the University in the 78-H case.

On June 13, 1982, the day after Liebman submitted to her supervisor a request for job audit forms, the work schedule which Liebman had maintained since 1977 was changed. Except for Paul Chase, other programmers did not experience a similar work schedule change.[6] The timing of the employer's conduct

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[5]We reject the regional attorney's conclusion that Charging Party may not incorporate by reference allegations made in the 78-H charge. We acknowledge the regional attorney's attempts to "assist" the Charging Party by developing interrogatories; however, it was unreasonable for him to have demanded that Charging Party respond to all the questions or suffer dismissal, particularly when none of the questions addressed the issue of Baker's knowledge of Liebman's protected activity.

[6]The charges made with respect to Paul Chase are dismissed because Charging Party failed to establish a prima facie case. Since he did not participate in the SF-CE-78-H

in relation to the employee's performance of protected activity and the employer's disparate treatment of employees engaged in such activity may support an inference of unlawful motive. See Radio Officer Union v. NLRB (1954) 347 U.S. 17 at pp. 43-44 [33 LRRM 2514]; Novato Unified School District, supra.

The change in work schedule detrimentally affected Liebman because she no longer had the flexible time other employees had and which she had enjoyed for several years.

Liebman's participation in SF-CE-78-H is clearly a protected activity under section 3565 of the Act.[7] We, thus, find that an inference of unlawful motivation is fairly raised by the facts presented here. Liebman's immediate supervisors had knowledge of her protected activity, and the

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case, Charging Party has not raised the necessary inference that the change in his work schedule was in retaliation for his having participated in that protected activity.

[7]Section 3565 provides that:

> Higher education employees shall have the right to form, join and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations and for the purpose of meeting and conferring. Higher education employees shall also have the right to refuse to join employee organizations or to participate in the activities of these organizations subject to the organizational security provision permissible under this chapter.

timing and disparate treatment are also factors supporting this inference.

The issue is raised whether Liebman had a right to have union representation at the meeting set up by Rauch on February 2, 1983. Relying on Redwoods Community College District (3/15/83) PERB Decision No. 293, the regional attorney found that Liebman was entitled to such representation. In Redwoods, the Board found that the employee was unlawfully denied union representation at a meeting with management where the employee was to protest her immediate supervisor's evaluation.

The Board concluded that such a meeting is tantamount to an appeal from adverse personnel action and is distinguishable from a meeting with evaluators. The right of representation in that case derived from sections 3540 and 3543 of the Educational Employment Relations Act and not on Weingarten v. U.S. (1975) 420 U.S. 251.[8]

Similarly, in the instant case, Liebman is entitled to representation. Everything that happened to Liebman - Rauch's uncooperativeness when she asked him to meet with her union representative to discuss the possibility of a job audit, Baker's unexplained refusal to provide her with the job audit

[8]Under the Weingarten rule an employee has a right to representation at investigatory interviews which the employee reasonably believes could result in discipline.

forms, the change in her long-standing work schedule ordered by Baker the day after she made her request for those forms, Baker and Rauch's continued refusal to provide Liebman with standard forms for a University-established appeal procedure - all reflect unusual circumstances in this case entitling Liebman to representation at the meeting Rauch subsequently set to discuss her request for forms.

Liebman was similarly entitled to a representative when she made her request for those forms since a job audit might entail a salary adjustment or a change in classification and thus involves matters of employer-employee relations.

The right to representation under these circumstances derives directly from HEERA section 3565 and subsection 3560(d).[9]

Finally, CSEA maintains that the regional attorney did not provide a reason why the charge was dismissed without leave to amend pursuant to PERB rule 32630(a), or why the regional attorney failed to seek particularization of the charge as required by PERB rule 32650. PERB regulations were amended on

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[9]Subsection 3560(d) states:

> The people and the aforementioned higher education employers each have a fundamental interest in the preservation and promotion of the responsibilities granted by the people of the State of California. Harmonious relations between each higher education employer and its employees are necessary to that endeavor.

September 20, 1982, and there currently is no specific requirement that the regional attorney take either of the actions referred to by CSEA.

Based on the above, the Board concludes that the University's total course of conduct vis-a-vis Liebman raises an inference of a pattern of retaliatory action which began after her participation in SF-CE-78-H.

We also affirm the finding of a prima facie violation of her right to representation.

ORDER

Upon the foregoing Decision and the record as a whole, the Public Employment Relations Board ORDERS that the regional attorney's Partial Refusal to Issue Complaint and Dismissal Without Leave to Amend regarding Ellen Liebman's allegations is reversed. The matter is REMANDED to the General Counsel for further proceedings consistent with this Decision.

Member Jaeger joined in this Decision.

Member Morgenstern's Concurrence and Dissent begins on page 12.

Morgenstern, Member, concurring and dissenting: For the reasons set forth below, I find that the regional attorney erred in dismissing that portion of the charge alleging that the University acted unlawfully with respect to Ellen Liebman.

Specifically, I find sufficient facts to support a prima facie allegation that Liebman's longstanding work schedule was altered because she engaged in protected activities. As a charging party in a prior unfair practice charge against the University (SF-CE-78-H) and as a participant in that proceeding, Liebman undeniably exercised her EERA rights and engaged in protected activity.[1]1

I also dispute the regional attorney's conclusion that CSEA failed to allege that Liebman engaged in protected activities known to her supervisor, Margaret Baker, the individual who apparently was responsible for the work schedule change. It is noteworthy that the regional attorney's exhaustive list of interrogatories as to the altered schedule does not include a question about Baker's knowledge of Liebman's protected activities. In any event, on two separate bases, I find the

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[1]Subsection 3541.5(a) provides in pertinent part: "Any employee . . . shall have the right to file an unfair practice charge . . . ."

And see section 8(a)(4) of the National Labor Relations Act which makes it unlawful "to discharge or otherwise to discriminate against an employee because he has filed charges or given testimony under this Act."

regional attorney's conclusion that Baker was unaware of Liebman's protected activities to be incorrect.

First, while there is no specific allegation of Baker's knowledge of Liebman's involvement in SF-CE-78-H, I find that this knowledge may well be imputed to Baker simply by virtue of the fact that Liebman was a named charging party. The Board's past decisions clearly permit it to take administrative notice of such facts. Antelope Valley Community College District (7/18/79) PERB Decision No. 97; Rio Hondo Community College District (5/19/80) PERB Decision No. 128; Mendocino Community College District (11/4/80) PERB Decision No. 144; State of California (Department of Transportation) (7/7/81) PERB Decision No. 159b-S; John Swett Unified School District (12/21/81) PERB Decision No. 188. Furthermore, merely by examining the transcript in SF-CE-78-H, it is revealed that both Liebman and Baker were witnesses in the hearing in SF-CE-78-H. From this fact alone, I would thus charge Baker with actual knowledge that Liebman had exercised her right to file an unfair practice charge against the University.

The troublesome component of this case concerns the required nexus between Liebman's protected activity and the altered work schedule. The unfair practice charge in SF-CE-78-H was filed on August 3, 1981, and the hearing was conducted in July 1982. Since the alleged work schedule change occurred on January 13, 1983, six months elapsed between the date of hearing and the employer's alleged misconduct. While a

reprisal need not take place within a specific time period after the exercise of protected activity, the time period here leaves some question as to whether a connection between the relevant events can reasonably be inferred. Nonetheless, because such a question exists, I would not dismiss the allegation. Given Baker's actual knowledge of Liebman's protected conduct, I cannot conclude that, as a matter of law, no nexus can be inferred from these facts.

Apart from the allegation that Liebman's work schedule was altered in response to her participation in the earlier unfair practice charge, I find a separate prima facie case has been demonstrated. CSEA alleged that Liebman and her coworker, Paul Chase, sought a reclassification and job audit and the forms to request the audit from Baker in order to utilize the University's established appeal procedure. Therein I find a claim that Liebman and Chase engaged in protected activity, and that Baker was aware that the two employees had engaged in protected activity. See California State University, Sacramento (4/30/82) PERB Decision No. 211-H; The Regents of the University of California (Berkeley) (5/16/83) PERB Decision No. 308-H.

Specifically, I find in the allegations that Liebman exercised protected activity for several weeks prior to January 13, 1983, when she tried to initiate the reclassification and job audit, when she tried to get Baker's supervisor, Peter Rauch, to meet with her union representative,

and again on January 12, 1983, when she requested the forms to appeal the ignored or denied audit request. When I consider the fact that on the following day, January 13, 1983, Liebman's work schedule was changed, I find ample basis to issue a complaint. First, I find it is protected activity to ask the employer to conduct a meeting with a union representative regarding a matter of employment relations, regardless of whether one is entitled to have a union representative present. Since Baker was refusing to cooperate in the job audit and in arranging a meeting with Rauch to discuss this matter with the assistance of Liebman's union representative, Baker is charged with knowledge that Liebman sought such a meeting with Rauch, Baker's supervisor. I find these facts sufficient to state a prima facie case.

In addition, I find that Liebman engaged in protected activity when she asked Baker for the forms necessary to initiate the reclassification and job audit. As is the case when an employee seeks to file a grievance under the contract, Liebman's attempt to utilize this appeal procedure certainly demonstrates protected activity.

Finally, as to Liebman's right to have a union representative at the meeting with Rauch, I agree with the regional attorney that there is very little upon which to base a conclusion that, objectively speaking, Liebman feared disciplinary action would result from that meeting. However, as the majority notes, the regional attorney did not base his

finding on Weingarten but on the statutory representation right enunciated by the Board in its decision in Redwoods. Mindful that the appellate court reviewing the Board's decision in Redwoods[2] would extend EERA representation rights "only in highly unusual circumstances," the allegations made in the instant case refer not to a routine business conversation but to communications crucial to Liebman's efforts to assess her job duties. Thus, I find a prima facie allegation on the fact that, when Liebman was called to the meeting to discuss her request for the forms to initiate a job audit, she was partaking in the appeal procedure and was entitled to have her union representative present.

[2]Redwoods Community College District v. Public Employment Relations Board (1984) Cal.App.3d .

STATE OF CALIFORNIA GEORGE DEUKMEJIAN, Governor

PUBLIC **EMPLOYMENT RELATIONS BOARD**
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Res PARTIAL REFUSAL TO ISSUE COMPLAINT AND DISMISSAL OF UNFAIR PRACTICE CHARGE
California State Employees' Association v. Regents of the University of California, Case No. SF-CE-145-H

Dear Parties:

Pursuant to Public Employment Relations Board (PERB) Regulation section 32620(5), part of the above-referenced charge will not be issued as a cornp3.aint and it is hereby dismissed because it fails to allege facts sufficient to state a prima facie violation of the Higher Education Employer-Employee Relations Act (HE3RA)).[1] The remaining portions of the charge, however, will be issued as a complaint. The reasoning which underlies this decision follows.

On December 28, 1982, the California State Employees' Association, Chapter 41 (Association) filed an unfair practice charge against the Regents of the University of California (University) alleging violation of HEERA section 3571(a).[2] The charge alleges that within the six months immediately

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[1]References to the HEERA are to Government Code sections 3560 et seq. PERB Regulations are codified at California Administrative Code, Title 8.

[2]Section 3571(a) makes unlawful certain conduct of the higher education employer. It states:

> It shall be unlawful for the higher education employer to:
>
> Impose or threaten to impose reprisals on employees, to discriminate or threaten to discriminate against employees, or otherwise to interfere with, restrain, or coerce employees because of their exercise of rights guaranteed by this chapter.

preceding the filing of the unfair practice charge, Ms. Nikki Bailey, a long-term employee of the Department of Computing Affairs, was discharged from employment in reprisal for seeking and obtaining representation from the Association and participating in PERB Case No. SF-CE-78-H, the hearing of which preceded her dismissal by three months. On April 18, 1983, April 20,. 1983 and May 9, 1983 the charge was amended to allege that the University had also unlawfully discriminated against employee Ellen Liebman in reprisal for her exercise of protected activity. More specifically, charging party alleged the University's unlawful conduct to consist of (1) changing Ms. Liebman's work schedule; (2) denying Ms. Liebman the right to have a union representative present during a meeting with a supervisor; (3) sending Ms. Liebman a letter of warning threatening dismissal on the grounds, first, that she refused to attend the meeting without her union representative and, second, that she refused to distribute student evaluation forms to her students; and (4) sending her a letter of warning threatening dismissal if she refused to comply with her revised work schedule.

This agency's jurisdiction as to employees at the University of California is limited to enforcement of certain provisions of HEERA.[3] The PERB has ruled that for a charge to state a prima facie case, it must establish a "nexus" or "connection" between an exercise of a protected right and the employer's action. Novato Unified School District (4/30/82) PERB Decision No. 210; California State University (Sacramento) (4/30/82) PERB Decision No. 211-H; Regents of the University of California (Lawrence Livermore National Laboratory) (4/30/82) PERB Decision No. 212-H. Where, as here, anti-union discrimination or reprisal is alleged, the charging party must allege and ultimately be able to establish that the employer's conduct would not have occurred "but for" the employee's exercise of rights. Such motivation may be

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[3]Section 3565 grants employees certain rights. It states:

> Higher education employees shall have the right to form, join and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations and for the purpose of meeting and conferring. Higher education employees shall also have the right to refuse to join employee organizations or to participate in the activities of these organizations subject to the organizational security provision permissible under this chapter.

demonstrated by circumstantial evidence. Novato Unified School District, supra.

Ms. Bailey

Here charging party has alleged that the letter of warning and the performance evaluation which formed the basis of the University's October 1982 dismissal of Ms. Bailey were challenged by the Association in SF-CE-78-H as reprisal for her exercise of protected activity. Charging party alleges that PERB's issuance of a complaint in SF-CE-78-H is explicit recognition that the letter of warning and performance evaluation constituted a prima facie violation of Ms. Bailey's HEERA rights. It follows that the dismissal from employment also constitutes a prima facie violation of section 3571(a). The complaint will thus issue as to this allegation.

Ms. Liebman

However, charging party has failed to allege, with respect to Ms. Liebman, that the employer conduct which occurred subsequent to the July 1982 hearing in SF-CE-78-H was motivated by considerations litigated in that case. There is no allegation that the alleged reprisals of the employer against Ms. Liebman involved conduct which was found to constitute a prima facie violation of section 3571 when the complaint in SF-CE-78-H was issued. Nor is it alleged that the employer representatives responsible for post-July 1982 conduct directed against Ms. Liebman were identical to those individuals alleged in SF-CE-78-H to have behaved toward her in a discriminatory manner. Consequently, whether the charge states a prima facie violation of Ms. Liebman's HEERA rights depends on the allegations expressly set forth and not those additionally incorporated by reference to SF-CE-78-H.

Charging party has alleged sufficient facts to state a prima facie violation of Ms. Liebman's right to have union representation at a meeting convened on January 13, 1983 by an employer representative. The meeting, according to the allegations, was held by a higher level supervisor, was part of the employer's appeal procedure, and concerned her request for a job audit and reclassification. Her request was denied, and she was formally reprimanded for not attending the meeting. Redwoods Community College District (3/15/83) PERB Decision No. 293; Fremont Union High School District (4/6/83) PERB Decision No. 301. The complaint will thus issue as to this allegation.

Charging party has failed to allege other employer conduct constituting a prima facie violation of section 3571(a). There is no allegation that Ms. Liebman engaged in protected activities known to her supervisor, Ms. Baker. Moreland Elementary School District (7/27/82) PERB Decision

No. 227. Consequently, there is no "nexus" (or connection) between the exercise of rights by Ms. Liebman and the work schedule change, the demand for student evaluation forms, or the performance evaluation which rated her lower because she had revealed that she did not distribute such forms to her students. Nor is there an allegation that Ms. Liebman engaged in protected activities known to the undescribed University management representative who issued letters of warning to her on February 9, 1983 and April 12, 1983. Accordingly, all allegations are dismissed which do not refer to the alleged violation of Ms. Bailey's HEERA rights or to the alleged denial of Ms. Liebman's right to be represented by her employee organization at the January 13, 1983 meeting with employer representative Rauch.[4]

Pursuant to Public Employment Relations Board regulation section 32635 (California Administrative Code, title 8, part III), you may appeal the partial refusal to issue a complaint (dismissal) to the Board itself.

Right to Appeal

You may obtain a review of this dismissal of the charge by filing an appeal to the Board itself within twenty (20) calendar days after service of this Notice (section 32635(a)). To be timely filed, the original and five (5) copies of such appeal must be actually received by the Board itself before the close of business (5:00 p.m.) on June 15, 1983, or sent by telegraph or certified United States mail postmarked not later than June 15, 1983 (section 32135). The Board's address is:

Public Employment Relations Board
1031 18th Street
Sacramento, CA 95814

[4]Charging party was provided an opportunity to cure the defects in the charge as presently written. Three amendments were solicited by the regional attorney. On April 25, 1983, charging party was sent a four-page letter requesting specific information as well as copies of documents relevant to the charge. Charging party was queried explicitly concerning the knowledge of her alleged representational activity by particular employer representatives (letter attached; specifically see questions No. 16 (on p. 2), (7 (on p. 3) and 8 (on p. 4)). Charging party also failed to comply with the procedures explained in the regional attorney's letter. The document was not timely filed; nor did it comply with the recommended form.

If you file a timely appeal of the refusal to issue a complaint, any other party may file with the Board an original and five (5) copies of a statement in opposition within twenty (20) calendar days following the date of service of the appeal (section 32635(b)).

Service

All documents authorized to be filed herein must also be "served" upon all parties to the proceeding, and a "proof of service" must accompany the document filed with the Board itself (see section 32140 for the required contents and a sample form). The document will be considered properly "served" when personally delivered or deposited in the first-class mail postage paid and properly addressed.

Extension of Time

A request for an extension of time in which to file a document with the Board itself must be in writing and filed with the Board at the previously noted address. A request for an extension must be filed at least three (3) calendar days before the expiration of the time required for filing the document. The request must indicate good cause for and, if known, the position of each other party regarding the extension, and shall be accompanied by proof of service of the request upon each party (section 32132).

Final Date

If no appeal is filed within the specified time limits, the dismissal will become final when the time limits have expired.

Very truly yours,

DENNIS M. SULLIVAN
General Counsel

By
PETER HABERFELD
Regional Attorney

cc: General Counsel