

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



LINDA KAY MYERS,)
)
 Charging Party,) Case No. LA-CE-254-S
)
 v.) PERB Decision No. 939-S
)
 STATE OF CALIFORNIA, DEPARTMENT OF)
 TRANSPORTATION,) June 10, 1992
)
 Respondent.)
 _____)

Appearance: Linda Kay Myers, on her own behalf.

Before Hesse, Chairperson, Caffrey and Carlyle, Members.

DECISION AND ORDER

HESSE, Chairperson: This case is before the Public Employment Relations Board (PERB or Board) on appeal by Linda Kay Myers (Myers) of a Board agent's dismissal of her charge that the State of California, Department of Transportation violated section 3519(a) of the Ralph C. Dills Act.¹

PERB Regulation 32635(a),² which governs review of dismissals, states, in pertinent part:

The appeal shall:

- (1) State the specific issues of procedure, fact, law or rationale to which the appeal is taken;
- (2) Identify the page or part of the dismissal to which each appeal is taken;

¹The Ralph C. Dills Act is codified at Government Code section 3512 et seq.

²PERB Regulations are codified at California Administrative Code, title 8, section 31001 et seq.

3) State the grounds for each issue stated.

PERB Regulation 32635(b) states:

(b) Unless good cause is shown, a charging party may not present on appeal new charge allegations or new supporting evidence.

Myers' appeal, in its entirety, consists of an amended unfair practice charge. This appeal does not comply with PERB Regulation 32635, as it does not identify which portions of the dismissal are challenged, nor does it indicate the grounds for the appeal. Further, Myers has not demonstrated good cause for the Board to consider her new charge allegations or new supporting evidence. The Board has held that compliance with regulations governing appeals is required to afford the respondent and the Board an adequate opportunity to address the issues raised, and noncompliance will warrant dismissal of the appeal. (Oakland Education Association (Baker) (1990) PERB Decision No. 827, p. 2; United Teachers - Los Angeles (Abboud. et al.) (1989) PERB Decision No. 738, p. 2.) The Board, therefore, rejects the appeal.

The unfair practice charge in Case No. LA-CE-254-S is hereby DISMISSED WITHOUT LEAVE TO AMEND.

Members Caffrey and Carlyle joined in this Decision.