

STATE OF CALIFORNIA  
DECISION OF THE  
PUBLIC EMPLOYMENT RELATIONS BOARD



MONTEREY PENINSULA COMMUNITY COLLEGE  
DISTRICT,

Employer,

and

MONTEREY PENINSULA COLLEGE TEACHERS  
ASSOCIATION, CTA/NEA,

Employee Organization,

and

FACULTY ASSOCIATION OF MONTEREY  
PENINSULA COLLEGE,

Employee Organization.

Case No. SF-R-481

PERB Order No. Ad-32

Administrative Appeal

May 16, 1978

Appearances: Keith V. Breon, Attorney (Breon, Galgani & Godino) for Monterey Peninsula Community College District; Duane B. Beeson, Attorney (Brundage, Beeson, Tayer & Kovach) for Monterey Peninsula College Teachers Association, CTA/NEA; Elliot Roberts and Dr. Whitney Baines for Faculty Association of Monterey Peninsula College.

Before: Gluck, Chairperson; Cossack Twohey and Gonzales, Members.

OPINION

In this case, Monterey Peninsula College Teachers Association, CTA/NEA (hereafter, "CTA") appeals from the Executive Assistant to the Board's rejection of its untimely filed exceptions to a hearing officer proposed decision concerning challenged ballots. The record shows that CTA initially was granted a seven-day extension of time for filing its exceptions, and that it ultimately filed its exceptions one day later than the revised due date of December 5.

In its appeal, CTA states that it placed its exceptions in the mail in San Francisco on Saturday, December 3, two days before the due date. While it concedes that the exceptions consumed three days in transit between San Francisco and Sacramento, CTA states

that its appeal should be granted because it is "reasonable" to assume that delivery by the Postal Service will be accomplished within two days.

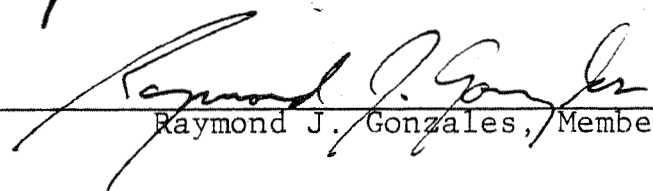
CTA's appeal does not show sufficient cause to disregard the filing requirements of rule 33380.<sup>1</sup> It is common knowledge that delays in deliveries by the Postal Service are not unusual, and therefore it is neither "reasonable" nor excusable to assume that delivery between San Francisco and Sacramento will be made within two days. See Anaheim Union High School District,<sup>2</sup> and compare Chula Vista City School District.<sup>3</sup> The appeal therefore is denied.

ORDER

The Executive Assistant to the Board's rejection of the exceptions filed by CTA is sustained by the Board itself.

By:   
Harry Gluck, Chairman

  
Terilou Cossack Twohey, Member

  
Raymond J. Gonzales, Member

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<sup>1</sup>Cal. Admin. Code, title 8, sec. 33380.

<sup>2</sup>(3/16/78) PERB Order No. Ad-27.

<sup>3</sup>(4/4/78) PERB Order No. Ad-29.

**EDUCATIONAL EMPLOYMENT RELATIONS BOARD**

Headquarters Office  
23 12th Street, Suite 201  
Sacramento, California 95814  
(916) 322-3088



December 7, 1977

Mr. Duane Beeson  
Brundage, Beeson, Tayer & Kovach  
100 Bush Street, Suite 1500  
San Francisco, CA 94104

Re: Monterey Peninsula Junior College District and Monterey College  
Teachers Assn., CTA/NEA, Case No. SF-R-481

Dear Mr. Beeson:

This will acknowledge receipt of the Exceptions filed by the Monterey College Teachers Association, CTA/NEA, in the above-captioned case. Unfortunately, your exceptions were not timely filed.

Exceptions to the proposed decision were due to be filed by the Monterey College Teachers Association on November 28, 1977. At your request and the agreement of the other parties to the case, an extension of time to file exceptions was granted by this office. Time to file exceptions was extended until December 5, 1977. Exceptions were not received in this office until December 6, 1977.

As a result of this failure to timely file, the enclosed exceptions cannot be submitted to the Board itself for consideration. Please be advised that while there are no rules to this effect, you are welcome to appeal this rejection of your filing to the Board itself. Should you choose to do so, your appeal should be filed in this office on or before ten calendar days from service of this communication.

Sincerely,

A handwritten signature in cursive script that reads "Stephen Barber".

Stephen Barber  
Executive Assistant  
to the Board

Enclosure

REC  
& RECD

