

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



SAN BERNARDINO TEACHERS ASSOCIATION,)	
CTA/NEA,)	
)	
Charging Party,)	Case No. LA-CE-509
)	
v.)	PERB Order No. Ad-105
)	
SAN BERNARDINO CITY UNIFIED SCHOOL)	Administrative Appeal
DISTRICT,)	
)	
Respondent,)	December 31, 1980
<u>APPELLANT.</u>)	
<hr/>		

Appearances: Ronald C. Ruud, Attorney (Atkinson, Andelson, Ruud & Romo) for San Bernardino City Unified School District; A. Eugene Huguenin, Jr. (California Teachers Association) for San Bernardino Teachers Association, CTA/NEA.

Before Gluck, Chairperson; Moore, Member.

DECISION

This case is before the Public Employment Relations Board on an appeal taken by the San Bernardino City Unified School District to the attached determination by the Executive Assistant to the Board that good cause existed as a basis for granting an extension of time to file exceptions in the captioned matter.

On the basis of the evidence and arguments presented in this appeal, we find that the reliance by the charging party upon the advice of the Executive Assistant to the Board

constitutes the extraordinary circumstances justifying the late filing of the written request for extension as required by rule 32133 of the California Administrative Code. We further find that good cause¹ existed upon which the extension of time was based.

ORDER

The appeal is DENIED. The extension of time granted to file exceptions in this case is AFFIRMED.

PER CURIAM

¹PERB rule 32132(a) requires showing of good cause for an extension of time in which to file:

(a) A request for an extension of time within which to file any document with the Board itself shall be in writing and shall be filed with the Executive Assistant to the Board at the headquarters office at least three days before the expiration of the time required for filing. The request shall indicate good cause for and the position of each other party regarding the extension. Service and proof of service pursuant to section 32140 are required. Extensions of time may be granted by the Executive Assistant for good cause only.

PUBLIC EMPLOYMENT RELATIONS BOARD

Headquarters Office
923 12th Street, Suite 201
Sacramento, California 95814
(916) 322-3088



November 26, 1980

San Bernardino City USD
Attn: Joseph Woodford
799 F Street
San Bernardino, CA 92410

ATKINSON, ANDELSON, RUUD & ROMO
Attn: Ronald C. Ruud
290 North D Street, Suite 806
San Bernardino, CA 92401

San Bernardino Teachers Assoc.
Attn: Daniel Stubbs
1906 S. Commercenter, East,
Suite 104
San Bernardino, CA 92408

California Teachers Association
Department of Legal Services
1125 West Sixth Street
Los Angeles, CA 90017

RE: SAN BERNARDINO CITY USD
LA-CE-509

Dear Parties:

This will memorilize my decision granting an extension of time to file exceptions in the above-captioned case.

On Monday, November 17, 1980, I received a telephone call from Mr. Eugene Huguenin, counsel for the charging party (CTA). Mr. Huguenin informed me that the staff person assigned to prepare exceptions has experienced a family emergency during the weekend and would be absent from work for the balance of the week. I was also informed that but for this emergency the exceptions would have been timely filed by November 20, 1980. Later in the day Mr. Huguenin called to tell me that counsel for the other party did not object but that he would check with his client.

In response to the second phone call I asked Mr. Huguenin to send me a mailgram stating his request, reasons, and the position of the other party. I asked that a mailgram be sent since not enough time remained in the day for a telegram to be delivered to this office.

On Tuesday, November 18, 1980, I received a phone call from Mr. Huguenin's secretary. She told me that she had forgotten to send the mailgram the night before and asked if there was anything she could do. I informed her that in light of the telephone call of the previous day, a telegram received on November 18th would be sufficient.

November 26, 1980
San Bernardino City USD
LA-CE-509
Page 2

Later in the day on November 18th, I received word from counsel for the district that his client objected to an extension of time to file the exceptions.

Upon receipt of the telegram and following the call from district's counsel, I concluded that good cause existed to grant an extension. I so informed the parties by mailgram sent on November 18, 1980.

Sincerely,

J. STEPHEN BARBER
Executive Assistant to the Board