

STATE OF CALIFORNIA  
DECISION OF THE  
PUBLIC EMPLOYMENT RELATIONS BOARD



WILLIAM M. HEYBURN,	)	
	)	
Charging Party,	)	Case No. S-CE-194-S
	)	
v.	)	PERB Order No. Ad-144-S
	)	
STATE OF CALIFORNIA (FRANCHISE TAX	)	Administrative Appeal
BOARD),	)	
	)	November 16, 1984
Respondent.	)	
	)	

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Appearances: William M. Heyburn, on his own behalf; Tamara J. Pierson, Attorney, Department of Personnel Administration, for State of California (Franchise Tax Board).

Before Hesse, Chairperson; Tovar and Morgenstern, Members.

DECISION AND ORDER

MORGENSTERN, Member: In the instant case, William M. Heyburn appeals the decision of the executive director of the Public Employment Relations Board (PERB or Board) denying Heyburn's request for an extension of time to submit exceptions to the proposed decision rendered by PERB's administrative law judge (ALJ). Upon review of the material presented to the Board, we find no basis to conclude that the executive director erred in rejecting that request.

In his unfair practice charge filed on August 11, 1983, Heyburn contended that the State of California (Franchise Tax Board) (FTB) violated provisions of the State Employer-Employee Relations Act (SEERA)<sup>1</sup> when it ordered a three-month pay

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<sup>1</sup>SEERA is codified at Government Code section 3512 et seq.

reduction in retaliation against Heyburn for exercising rights guaranteed by SEERA. A complaint was issued and Heyburn availed himself of PERB's evidentiary hearing process. An ALJ assessed the factual and legal assertions and, in his proposed decision that issued May 3, 1984, he reached the conclusion that the FTB had not taken action against Heyburn because of any protected activity in which he may have engaged. To the contrary, the ALJ specifically found Heyburn's failure to perform the duties required of his job to be the cause of the pay reduction he received.

In the instant case, Heyburn wants the Board to extend the time period during which exceptions to the ALJ's proposed decision can be submitted to the Board. Because Heyburn believes that testimony heard in conjunction with an appeal before the Workers' Compensation Appeals Board (WCAB) will bear on his unfair practice charge, he has requested that the deadline for filing exceptions be extended to thirty days after the date a decision is reached by the WCAB.

The ALJ's proposed decision details various self-assigned projects that caused Heyburn to ignore his job duties and which prompted the pay reduction. We find nothing in Heyburn's assertions or in the documentary evidence attached to his request which supports the contention that the ALJ's conclusions are likely to be upset by any testimony presented in the WCAB forum.

Accordingly, we AFFIRM the executive director's denial of Heyburn's request for an extension of time.

Chairperson Hesse and Member Tovar joined in this Decision.