

requires that a request for reconsideration be filed with the Board within 20 days of service of the decision. Accordingly, the filing deadline in this case was November 21, 1994. This date was extended pursuant to PERB Regulation 32130² which provides a five-day extension for documents filed by mail, and an extension to the next business day when the filing deadline falls on a weekend or holiday. Consequently, a request for reconsideration of CAUSE (John) was due to be filed with the Board no later than November 28, 1994.

On December 1, 1994, CAUSE filed its request for reconsideration and at the same time petitioned the Board to accept its untimely filed reconsideration request.

CAUSE contends that good cause exists to excuse its late filing asserting that it did not have an opportunity to prepare its reconsideration request prior to the filing deadline "due to

²PERB Regulation 32130 states, in pertinent part:

(b) Except for filings required during a "window period" as defined in sections 33020, 40130 or 51026, whenever the last date to file a document falls on Saturday, Sunday, or a holiday, as defined in Government Code sections 6700 and 6701, or PERB offices are closed, the time period for filing shall be extended to and include the next regular PERB business day. The extension of time provided herein shall be applied subsequent to the application of any other extension of time provided by these regulations or by other applicable law.

(c) The extension of time provided by California Code of Civil Procedure section 1013, subdivision (a), shall apply to any filing made in response to documents served by mail.

weekends, holidays, and office requirements to provide other representational services to Bargaining Unit 7 members."

DISCUSSION

PERB Regulation 32136 states:

A late filing may be excused in the discretion of the Board for good cause only. A late filing which has been excused becomes a timely filing under these regulations.

The Board has found good cause to excuse late filings in cases where inadvertent clerical errors were associated with an actual attempt to timely file. (See Trustees of California State University (1989) PERB Order No. Ad-192-H; The Regents of the University of California (Davis, Los Angeles, Santa Barbara and San Diego) (1989) PERB Order No. Ad-202-H; North Orange County Regional Occupational Program (1990) PERB Decision No. 807.)

In University of California, Los Angeles (1992) PERB Decision No. 961, the Board found good cause to excuse a late filing where, due to inadvertent clerical error, the appeal of a Board decision served on the University was not processed in accordance with normal office procedures, resulting in the late filing of the University's response.

However, in Los Angeles Unified School District (1993) PERB Order No. Ad-247, the Board held that the failure of counsel to review PERB filing deadlines does not constitute good cause to excuse a late filing.

In the present case, CAUSE contends good cause exists because it did not have an opportunity to prepare its reconsideration request prior to the filing deadline "due to

weekends, holidays, and office requirements to provide other representational services to Bargaining Unit 7 members."

CAUSE's assertion of good cause is rejected. PERB Regulation 32132³ permits a party to request an extension of time to file any document with the Board. Such a request must be filed at least three days prior to the filing deadline. CAUSE failed to request an extension of time to accommodate its workload demands. Mere workload and holiday schedules do not constitute good cause to excuse a late filing. Accordingly, the Board rejects CAUSE's request to accept its late filed request for reconsideration.

ORDER

The California Union of Safety Employees' petition to accept its untimely filed request for reconsideration of the Board's decision in California Union of Safety Employees (John) (1994) PERB Decision No. 1064-S is hereby DENIED.

Members Caffrey, Carlyle, Garcia and Johnson joined in this Decision.

³PERB Regulation 32132 states, in pertinent part:

(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 at the headquarters office at least three days before the expiration of the time required for filing. The request shall indicate the reason for the request and, if known, 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 Board itself or an agent designated by the Board itself for good cause only.