

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



RICKEY A. JONES,

Charging Party,

v.

SEIU LOCAL 99,

Respondent.

Case No. LA-CO-1192-E

Administrative Appeal

PERB Order No. Ad-352

March 10, 2006

Appearance: Rickey A. Jones, on his own behalf.

Before Duncan, Chairman; Shek and Neuwald Members.

DECISION

DUNCAN, Chairman: This case is before the Public Employment Relations Board (PERB or Board) on a motion by Rickey A. Jones (Jones) for the Board to accept late-filed exceptions to an administrative law judge's (ALJ) proposed decision. The unfair practice charge alleges that SEIU Local 99 (SEIU) violated its duty of fair representation in violation of Section 3543,6(b) of the Educational Employment Relations Act (EERA).¹

The Board has reviewed the entire record in this case, including, but not limited to, the ALJ's proposed decision and Jones' motion for acceptance of late-filed exceptions.

The Board may accept late-filed exceptions for good cause.³ Here, the exceptions would be late-filed because of an error by PERB in not timely serving Jones with the ALJ's proposed decision.

¹EERA is codified at Government Code section 3540, et seq.

²PERB Regulation 32136. (PERB regs, are codified at Cal. Code Regs., tit. 8, sec. 31001, et seq.)

The Board finds there is good cause to accept the late-filed exceptions because the necessity for a late filing was precipitated by an error at PERB in not timely serving Jones, a party to the case, with the ALJ's proposed decision. Jones was not served until he contacted PERB and inquired as to why the proposed decision had not yet been served on him. When PERB did serve Jones, the motion requesting late filing of exceptions was filed on November 17, 2005, which was the day after Jones received a copy of the proposed decision. There was no response from SEIU to the motion of acceptance of late filed exceptions.

Under PERB Regulation 32300, Jones will have twenty (20) days from service of this decision to file an original and five (5) copies of the statement of exceptions and supporting brief with the Board itself

Pursuant to PERB Regulation 32310, any party may file with the Board itself an original and five (5) copies of a response to the statement of exceptions within twenty (20) days of service of the statement of exceptions.

ORDER

The motion by Rickey A. Jones that the Public Employment Relations Board accept late-filed exceptions in Case No. LA-CO-1192 is hereby GRANTED.

Members Shek and Neuwald joined in this Decision.