

STATE OF CALIFORNIA
DECISION OF THE PUBLIC
EMPLOYMENT RELATIONS BOARD



GLENDALE UNIFIED SCHOOL DISTRICT and
GLENDALE COMMUNITY COLLEGE DISTRICT,

Employer, APPELLANT,

and

CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION,
GLENDALE CHAPTER NO. 3,

Employee Organization,

and

SERVICE EMPLOYEES INTERNATIONAL UNION,
LOCAL 660,

Employee Organization.

Case No. LA-R-19
LA-R-244

PERB Order No. Ad-25

February 1, 1978

ORDER

The Public Employment Relations Board itself hereby denies appeal of the District from the decision of the Executive Assistant rejecting appellant's filing in above-captioned case.

Public Employment Relations Board
by

CHARLES L. COLE
Executive Director

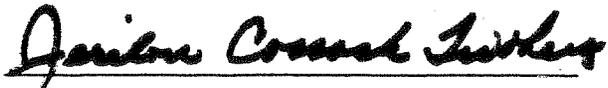
Jerilou Cossack Twohey, Member, concurring:

I agree, for reasons unique to this case, that the District's appeal of the Executive Assistant's rejection of its exceptions should be dismissed.

The District's exceptions to the hearing officer's proposed decision were due on October 11, 1977. An extension of time was granted at the District's request; the exceptions were then due on October 18, 1977. The exceptions were deposited in the mail on October 17, 1977 but not received by the Board until October 19, 1977. The Executive Assistant rejected the District's exceptions as untimely on October 28, 1977. The rejection permitted seven calendar days for appeal. The District appealed the rejection.

Subsequent to the appeal an election was ordered by the Los Angeles Regional Director in the two units found appropriate by the hearing officer. The election was held on January 17, 1978 in both units. In one unit CSEA Chapter 3 won the election and was certified as the exclusive representative on January 27, 1978. In the other unit no employee organization received a majority and SEIU, Local 660 filed timely objections to the conduct of the election. These objections are still pending. The District did not contest the holding of the election notwithstanding the pendency of its appeal of the rejection of its exceptions.

In these circumstances, even though I think the exceptions were improperly rejected in the first place by the Executive Assistant,¹ the purposes of the Act of promoting harmonious employer-employee relations would only be frustrated by now entertaining the District's exceptions. Consideration of the fundamental question of appropriate unit after an election has been held and a certification issued in at least one unit would do nothing to enhance stability in this particular school district. Further, the District itself did not protest the holding of the election in the face of its appeal. Accordingly, I concur that the District's appeal should be dismissed.



Jerilou Cossack Twohey, Member

¹See Gibson v. Unemployment Insurance Appeals Board, 9 Cal.3d 494, 108 Cal.Rptr. 1 (1973) where the Supreme Court concluded that the agency and the superior court had erred in denying consideration of the merits of an appeal filed three days late. See also Flores v. Unemployment Appeals Board, 30 Cal.App.3d 681, 106 Cal.Rptr. 543 (1973).

EDUCATIONAL EMPLOYMENT RELATIONS BOARD

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



October 28, 1977

Mr. Louis C. Awalt
Donald D. Rea and Company
1800 North Highland Avenue
Los Angeles, CA 90028

Re: Glendale Unified School District/Glendale Community College
District, Case No. LA-R-19, 244 (Proposed decision issued
September 27, 1977)

Dear Mr. Awalt:

This will acknowledge receipt of the exceptions filed by Donald D. Rea and Company for the Glendale Unified School District/Glendale Community College District in the above-captioned case. Unfortunately, your documents were not timely filed according to Section 33380 of the Board's rules and regulations.

Exceptions to the proposed decision were due to be filed by the District on October 11, 1977. On October 11 an extension of time to file exceptions was granted by this office. Time to file exceptions was extended to October 18, 1977. Exceptions were not received in this office until October 19.

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 seven calendar days from receipt of this communication.

Sincerely,

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

Stephen Barber
Executive Assistant
to the Board

Enclosure