

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



MONTEREY PENINSULA COMMUNITY COLLEGE
DISTRICT,

Employer,

and

MONTEREY PENINSULA COLLEGE TEACHERS
ASSOCIATION, CTA/NEA,

Employee Organization,

and

FACULTY ASSOCIATION OF MONTEREY
PENINSULA COLLEGE,

Employee Organization.

Case No. SF-R-481

PERB Order No. Ad-32

Administrative Appeal

May 16, 1978

Appearances: Keith V. Breon, Attorney (Breon, Galgani & Godino) for Monterey Peninsula Community College District; Duane B. Beeson, Attorney (Brundage, Beeson, Tayer & Kovach) for Monterey Peninsula College Teachers Association, CTA/NEA; Elliot Roberts and Dr. Whitney Baines for Faculty Association of Monterey Peninsula College.

Before: Gluck, Chairperson; Cossack Twohey and Gonzales, Members.

OPINION

In this case, Monterey Peninsula College Teachers Association, CTA/NEA (hereafter, "CTA") appeals from the Executive Assistant to the Board's rejection of its untimely filed exceptions to a hearing officer proposed decision concerning challenged ballots. The record shows that CTA initially was granted a seven-day extension of time for filing its exceptions, and that it ultimately filed its exceptions one day later than the revised due date of December 5.

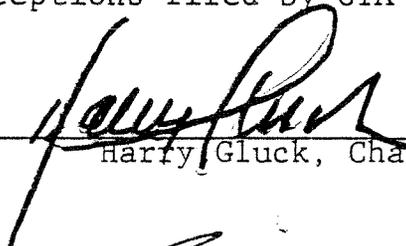
In its appeal, CTA states that it placed its exceptions in the mail in San Francisco on Saturday, December 3, two days before the due date. While it concedes that the exceptions consumed three days in transit between San Francisco and Sacramento, CTA states

that its appeal should be granted because it is "reasonable" to assume that delivery by the Postal Service will be accomplished within two days.

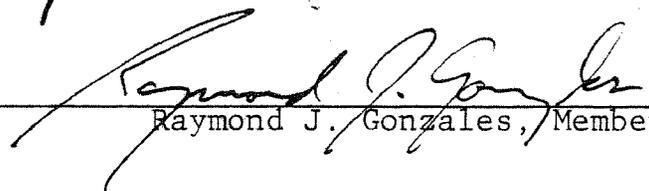
CTA's appeal does not show sufficient cause to disregard the filing requirements of rule 33380.¹ It is common knowledge that delays in deliveries by the Postal Service are not unusual, and therefore it is neither "reasonable" nor excusable to assume that delivery between San Francisco and Sacramento will be made within two days. See Anaheim Union High School District,² and compare Chula Vista City School District.³ The appeal therefore is denied.

ORDER

The Executive Assistant to the Board's rejection of the exceptions filed by CTA is sustained by the Board itself.

By: 
Harry Gluck, Chairman


Terilou Cossack Twohey, Member


Raymond J. Gonzales, Member

¹Cal. Admin. Code, title 8, sec. 33380.

²(3/16/78) PERB Order No. Ad-27.

³(4/4/78) PERB Order No. Ad-29.

