



STATE OF CALIFORNIA
 DECISION OF THE
 PUBLIC EMPLOYMENT RELATIONS BOARD

KONOCTI UNIFIED SCHOOL DISTRICT,)	
)	
Employer,)	Case No. SF-D-32
)	
and)	PERB Order No. Ad-71
)	
CALIFORNIA SCHOOL EMPLOYEES)	Administrative Appeal
ASSOCIATION, CHAPTER 228,)	
)	July 16, 1979
Employee Organization,)	
)	
and)	
)	
KONOCTI CLASSIFIED EMPLOYEES GROUP,)	
)	
Employee Organization,)	
<u>APPELLANT.</u>)	

Appearances: Joe Elleard for Konocti Classified Employees Group, Wes Franklin, President, for California School Employees Association, Chapter 228, Jerome J. Tichy, Assistant Superintendent for Konocti Unified School District.

DECISION

Joe Elleard, on behalf of a group of Konocti Unified School District (hereafter District) classified employees, appeals from the executive assistant's determination that an appeal filed with the Public Employment Relations Board (hereafter PERB or Board) on May 23, 1979, was untimely. The May 23 appeal (from a determination of the San Francisco regional director to stay a decertification election among District classified employees until pending unfair practice

charges were resolved) had to be actually received in Sacramento on or before May 21, 1979, to be timely.¹

Elleard offered no excuse for the late filing which, according to Board rule 32133, (Cal. Admin. Code, tit. 8, sec. 32133), may be excused "in the discretion of the Board only under extraordinary circumstances." Nor does our examination of this case reveal facts that constitute "extraordinary circumstances."²

The executive assistant's decision is correct, and is affirmed.

ORDER

The Public Employment Relations Board ORDERS that the executive assistant's dismissal of Elleard's appeal in the above-captioned matter is affirmed.

PER CURIAM

¹Board rule 32360(b) (Cal. Admin. Code, tit. 8, sec. 32360(b)) provides:

[An] appeal shall be "filed" with the Executive Assistant to the Board at the headquarters office within 10 calendar days following the date of service of the decision or letter of determination.

²In Anaheim Union High School District (8/17/78) PERB Order No. Ad-42 at 3, the Board said:

"Extraordinary circumstances" means exactly that--out of the ordinary, remarkable, unpredictable situations or occurrences far exceeding the usual which prevent a timely filing.