

Proposed Text:

CHAPTER 1. PUBLIC EMPLOYMENT RELATIONS BOARD
SUBCHAPTER 2. DEFINITIONS AND GENERAL PROVISIONS
ARTICLE 2. General Provisions

32147. Expediting Matters Before the Board.

~~The Board itself, the Chief Administrative Law Judge or the General Counsel may expedite any matter pending before the Board, as follows:~~

~~(a) In any case arising under Section 32761, 32770, 32781, 32802, 33050, 33070, 33700, 40170, 40200, 51030, 51040, 51100, 51680, 61210, 61300, 61350, 61400, 61450, 71030, 71040, 71100, 71680, 81210, 81300, 81350, 81400, 81450, 91210, 91300, 91350, 91400, or 91450;~~

(a) Motions to Expedite

- (1) A motion to expedite proceedings within a single division of the Board shall be filed with the General Counsel, Chief Administrative Law Judge, Director of State Mediation and Conciliation Services, or the Board itself, as appropriate. A motion to expedite proceedings at all divisions shall be filed with the Board itself.
- (2) A motion to expedite a case must be clearly labeled as a motion to expedite. The motion may not be part of or combined with any other document other than a brief or declarations supporting the motion. The motion shall state with specificity why one or more of the criteria in subparagraph (b)(2) of this Section are satisfied.
- (3) Any other party to the proceeding may file a response to a motion to expedite within 5 business days of service of the motion. No reply briefs shall be filed unless otherwise ordered.
- (4) Denial of any motion to expedite, in whole or in part, shall be without prejudice to a party's ability to renew its motion, unless otherwise ordered.
- (5) The General Counsel, Chief Administrative Law Judge, Director of State Mediation and Conciliation Services, or the Board itself may expedite any case on its own motion.

~~(b) In any case that presents an important question of law or policy under any statute administered by the Board, the early resolution of which is likely to improve labor relations between or among affected parties;~~

(b) Applicable Criteria

(1) All divisions must expedite the following types of cases from initial filing to conclusion, without any motion or order:

(A) All cases arising under Section 32761, 32770, 32781, 33050, 33070, 33700, 40170, 40200, 51030, 51040, 51100, 51680, 61210, 61215, 61300, 61350, 61400, 61450, 71030, 71040, 71100, 71680, 81210, 81300, 81350, 81400, 81450, 91210, 91300, 91350, 91400, or 91450.

(B) All cases in which a representation election or other certification or recognition process or procedure has been stayed pending resolution of the case.

(2) In all cases not subject to mandatory expedited processing under subparagraph (b)(1) of this Section, the following criteria shall be considered in determining whether a case should be expedited:

(A) whether expedited processing is necessary to preserve the Board's ability to issue an effective remedy;

(B) whether the case involves alleged conduct that would irreparably harm the exercise of employee or employee organization rights;

(C) whether the case involves an important and unresolved question of law, the prompt resolution of which would significantly benefit one or more segments of the public sector labor-management community;

(D) whether the case arises from or relates to a representation or recognition dispute;

(E) whether a court injunction is in place pending resolution of the case;

(F) the number of employees affected, the size of any potential monetary remedy, or the nature, scope, or importance of any potential non-monetary remedy; and

(G) any compelling circumstances showing that expedited processing is warranted.

~~(c) In conjunction with any determination to seek injunctive relief pursuant to Section 32450 et seq.;~~

(c) Required Procedures for Expedited Cases

- (1) In all cases falling under subparagraph (b)(1) of this Section, and in other cases after an order expediting the matter has issued, the case shall be given priority and decided on an expedited basis in the manner determined to be appropriate by, as applicable, the General Counsel, Chief Administrative Law Judge, Director of State Mediation and Conciliation Services, or the Board itself.
 - (2) Any document filed in a case falling under subparagraph (b)(1) of this Section, or in any other case if the document is filed in a division in which the case has been expedited, shall prominently display the words “EXPEDITED CASE” on the document’s first page.
 - (3) When exceptions are pending in a case falling under subparagraph (b) of Section 32305, no abeyance or extension of time may be granted.
 - (4) In any expedited case not falling under subparagraph (b) of Section 32305, an abeyance may only be granted if all parties agree, and an extension of time to file any document, or a request to continue a formal hearing, may be granted only when:
 - (A) the parties mutually agree to the extension of time or continuance;
 - (B) the continuance is necessary to mitigate prejudice caused by an amended pleading; or
 - (C) the party requesting the extension of time or continuance demonstrates extraordinary circumstances that outweigh any prejudice to other parties.
- ~~(d) In any case, as ordered or directed by the Board itself.~~

~~For purposes of this Section, the expediting of a matter means the matter shall be given priority and decided on an expedited basis, in the manner determined to be appropriate by, as applicable, the Board itself, the General Counsel, or the Chief Administrative Law Judge.~~

Note: Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3551(a), 3555.5(c), 3563(f), 71639.1(b) and 71825(b), Government Code; ~~and~~ Sections 28849(b), 40122.1(a), 99561(f), and 102399(b), Public Utilities Code; ~~and~~ Section 10421(e), Welfare and Institutions Code.

Reference: Sections 3509, 3513(h), 3524.52(a), 3541.3(n), 3551(a), 3555.5(c), 3563(m), 71639.1 and 71825, Government Code; ~~and~~ Sections 28849(b), 40122.1(a), 99561(m), and 102399(b), Public Utilities Code; ~~and~~ Section 10421(e), Welfare and Institutions Code.

SUBCHAPTER 4. DECISIONS OF THE BOARD ITSELF

Article 2. Appeal of Board Agent Decision to the Board Itself

32305. Finality of Board Agent Decisions.

- (a) Unless a party files a timely statement of exceptions to the proposed decision, the decision shall become final on the date specified therein.
- (b) In cases arising under Section 32761, 32770, 32781, 33050, 33070, 33700, 40170, 40200, 51030, 51040, 51100, 51680, 61210, 61215, 61300, 61350, 61400, 61450, 71030, 71040, 71100, 71680, 81210, 81300, 81350, 81400, 81450, 91210, 91300, 91350, 91400, or 91450, and where exceptions are filed pursuant to Section 32300, the Board agent's decision shall become final unless the Board itself issues a decision not later than 180 days from the date the exceptions were filed with the Board.
- (c) The Board shall not grant abeyances or extensions of time in cases before the Board itself that are subject to subparagraph (b), above.

Note: Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3551(a), 3555.5(c), 3563(f), 71639.1(b) and 71825(b), Government Code; ~~and~~ Sections 28849(b), 40122.1(a), 99561(f), and 102399(b), Public Utilities Code; and Section 10421(e), Welfare and Institutions Code.

Reference: Sections 3509, 3509.3, 3513(h), 3524.52(a), 3524.76, 3520.8, 3541.3(k), 3541.3(n), 3541.35, 3551(a), 3555.5(c), 3563(j), 3563(m), 3563.5, 71639.1, 71639.15, 71825 and 71825.05, Government Code; ~~and~~ Sections 28849(a), 40122.1(a), 99561(j), 99561(m), ~~and~~ 99561.4; ~~and~~ 102399(b), Public Utilities Code; and Section 10428.5(a), Welfare and Institutions Code.