



STATE OF CALIFORNIA
 DECISION OF THE
 PUBLIC EMPLOYMENT RELATIONS BOARD

RIO HONDO COMMUNITY COLLEGE DISTRICT,)	
)	
Employer, <u>APPELLANT</u> ,)	Case No. LA-R-111
)	
and)	PERB Order No. Ad-33
)	
RIO HONDO FACULTY ASSOCIATION, CTA/NEA,)	Administrative Appeal
)	
Employee Organization,)	May 23, 1978
<u>APPELLANT</u> .)	
)	

Appearances: John J. Wagner, Attorney (Wagner and Wagner) for the Rio Hondo Community College District; Robert M. Dohrmann, Attorney for the Rio Hondo College Faculty Association, CTA/NEA. Before Gluck, Chairperson; Gonzales and Cossack Twohey, Members.

OPINION

This is a motion by the Rio Hondo College Faculty Association, CTA/NEA (Association) and the Rio Hondo Community College District (District) to expedite the determination of the District's exceptions to a hearing officer's proposed order including part-time certificated employees in a negotiating unit of certificated employees.

FACTS

Essentially, the Association seeks a summary affirmance of the hearing officer's proposed order by having the Board itself, through the mechanism of the motion to expedite, adopt the proposed order as its own.¹

¹The motion submitted by the Association reads, in pertinent part:

(cont.)

The Association advanced other arguments: the considerable time that has elapsed since the filing of the demand for recognition; the District has joined in the motion to expedite; the Board would suffer no undue hardship if it granted the motion.

DISCUSSION

The issue before the Board raised in the exceptions to the hearing officer's proposed order is whether the facts in this case are sufficiently distinguishable from those in Los Rios Community College District² to justify the establishment of a certificated employee unit which excludes part-time faculty. The Association's statement, in its motion to expedite, that the factual record supports the hearing officer's proposed order, whether accurate or not, cannot be controlling. The resolution of this issue clearly depends on a review of the

(cont.)

5. The exceptions filed by the District raise no new issues whatsoever. The hearing officer has adhered to this Board's decision in the Los Rios case based on a factual record, which, as is pointed out in our response to the exceptions and in our earlier brief to the Hearing Officer, fully supports an affirmance of the Hearing Officer. It is therefore our belief that the case can be expeditiously affirmed by the Board in the manner demonstrated by the Board in Shasta-Tehama-Trinity Joint Community College District, EERB Decision No. 31, in which the Board held that, the Hearing Officer's decision being substantially in accord with Board precedent (Los Rios), the proposed order was adopted as the order of the Board itself.

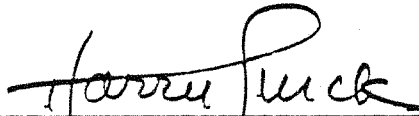
²(6/9/77) EERB Decision No. 18.

record and an analysis of the District's exceptions. That was precisely the procedure followed by the Board itself in Shasta-Tehama-Trinity Joint Community College District cited by the Association. What is apparently overlooked by the Association is that Shasta reached the Board in its docketed order and not as a result of a motion to expedite. Nor should the expeditious manner in which the Board decision was published be interpreted as an indication that the Board did not provide full appellate review.

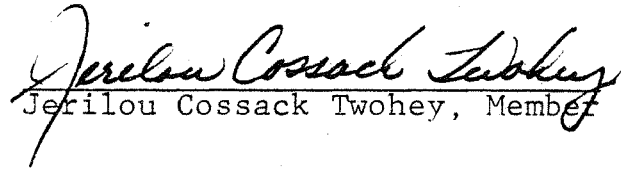
The Association further urges expedition through summary affirmance to relieve the Board of the "undue hardship" of treating the case in full, particularly in view of its case backlog. The time delays resulting from the flood of petitions and charges that inundated the Board when the EERA became effective is as regrettable as it is beyond the ability of the Board to control. It is for this reason that the Board is not concerned with "undue hardship" it may experience. But it is precisely for this reason that the Board is concerned with the "undue hardship" that would be placed on other parties, including some who are raising similar exceptions, who would "lose their place in the line" if expedited proceedings were granted without a clear showing of absolute necessity.

ORDER

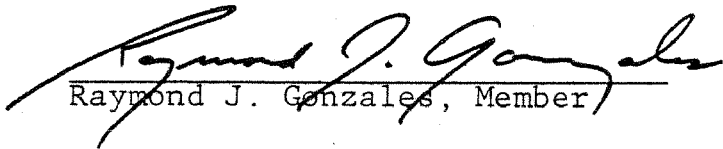
The motion for expedition of appeal of exceptions to the hearing officer's proposed order filed jointly by the Rio Hondo College Faculty Association, CTA/NEA and the Rio Hondo Community College District is denied.



By: Harry Gluck, Chairperson



Jerilou Cossack Twohey, Member



Raymond J. Gonzales, Member