

PROPOSED TEXT:

Please note: all underlined text indicates additions to the regulatory text and all ~~striketrough~~ text indicates deleted material.

CHAPTER 1. PUBLIC EMPLOYMENT RELATIONS BOARD

SUBCHAPTER 1. INTERNAL PROCEDURES

Article 1. Public Meetings

31001. Meetings.

[No changes to text.]

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), 98160.5(b), 99561(f), 100309(b) and 102399(b), Public Utilities Code. Reference: Sections 3509, 3513(h), 3524.52(a), 3541.3, 3551(a), 3555.5(c), 3563, 71639.1 and 71825, Government Code; and Sections 28849(b), 40122.1(a), 98160.5(b), 99561, 100309(b) and 102399(b), Public Utilities Code.

SUBCHAPTER 2. DEFINITIONS AND GENERAL PROVISIONS

Article 1. Definitions

32019.81. Santa Cruz Metropolitan Transit District Act.

“Santa Cruz Metro Act” means the Santa Cruz Metropolitan Transit District Act of 1967 as contained in Chapter 1 of Part 10 of Division 10 of the Public Utilities Code (commencing with Section 98000).

Authority cited: Section 98160.5(b), Public Utilities Code. Reference: Section 98000, Public Utilities Code.

32019.82. Definition of Terms under the Santa Cruz Metro Act.

As applied to matters arising under the Santa Cruz Metro Act, “Employer,” “PUC transit employer,” or “District” means the Santa Cruz Metropolitan Transit District, including all operations and extensions of its transportation system, regardless of modality or vehicle type, as defined in section 98160(a), Chapter 1 of Part 2 of Division 10 of the Public Utilities Code (commencing with Section 98000).

Authority cited: Section 98160.5(b), Public Utilities Code. Reference: Section 98160, Public Utilities Code.

32019.83. Santa Clara Valley Transportation Authority Act.

“VTA Act” means the Santa Clara Valley Transportation Authority Act as contained in Chapter 1 of Part 12 of Division 10 of the Public Utilities Code (commencing with Section 100000).

Authority cited: 100309(b), Public Utilities Code. Reference: Section 100000, Public Utilities Code.

32019.84. Definition of Terms under the VTA Act.

As applied to matters under the VTA Act:

(a) “Employer,” “PUC transit employer,” or “District” means the Santa Clara Valley Transportation Authority, including all operations and extensions of its transportation system, regardless of modality or vehicle type, as described in Part 12 of Division 10 of the Public Utilities Code (commencing with Section 100000).

(b) “Exclusive representative” means an accredited employee organization recognized or certified as the exclusive negotiating representative of employees in an appropriate unit within the District.

(c) “Opt in unit” means a bargaining unit which the exclusive representative elects to be subject to PERB’s jurisdiction for unfair practice charges. An exclusive representative may elect to move one or more of its bargaining units to PERB’s jurisdiction for unfair practice charges. Notification by the exclusive representative of such election shall be filed through e-PERB with the General Counsel or the General Counsel’s designee. The exclusive representative shall serve the District pursuant to Section 32140. An election by an exclusive representative for one or more of its bargaining units to be subject to PERB’s jurisdiction shall be irrevocable for that unit.

Authority cited: 100309(b), Public Utilities Code. Reference: Sections 100300, 100301, 100309, and 100310, Public Utilities Code.

32020. Board.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3551(a), 3555.5(c), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3501(f), 3509, 3513(h), 3524.52(a), 3540.1(a), 3541, 3551(a), 3555.5(c), 3562(b), 71639.1(a) and 71825(a), Government Code; and Sections 25052, 28849(b), 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99560.1(b), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32030. Board Itself.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3551(a), 3555.5(c), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3501(f), 3509, 3513(h), 3524.52(a), 3540.1(a), 3541, 3551(a), 3555.5(c), 3562(b), 71639.1(a) and 71825(a), Government Code; and Sections 25052, 28849(b), 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99560.1(b), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32040. Executive Director.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3563(f), 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 40122.1(a), 98160.5(b), 99561(f), 100309(b) and 102399(b), Public Utilities Code. Reference: Section 3541(f), Government Code.

32050. General Counsel.

[No changes to text.]

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), 98160.5(b), 99561(f), 100309(b) and 102399(b), Public Utilities Code. Reference: Section 3541(f), Government Code.

32055. Chief Administrative Law Judge.

[No changes to text.]

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), 98160.5(b), 99561(f), 100309(b) and 102399(b), Public Utilities Code. Reference: Sections 3509, 3513(h), 3524.52(a), 3541.3(k), 3551(a), 3555.5(c), 3563(j), 71639.1 and 71825, Government Code; and Sections 28849(b), 40122.1(a), 98160.5(b), 99561(j), 100309(b) and 102399(b), Public Utilities Code.

32060. Headquarters Office.

[No changes to text.]

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), 98160.5(b), 99561(f), 100309(b) and 102399(b), Public Utilities 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), 98160.5(b), 99561(m), 100309(b) and 102399(b), Public Utilities Code.

32075. Regional Office.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3551(a), 3555.5(c), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities 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 25052, 28849(b), 28851, 37051, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561(m), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32080. Day.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3551(a), 3555.5(c), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities 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 25052, 28849(b), 28851, 37051, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32090. e-PERB.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3, 3551(a), 3555.5(c), 3563, 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3513, 3514.5, 3524.52(a), 3524.55, 3541.3, 3541.5, 3551(a), 3555.5(c), 3563, 3563.2, 71639.1 and 71825, Government Code; and Sections 25052, 28849(b), 28851, 28860(b), 37051, 40122, 40122.1, 50121, 70122, 90300, 95651, 98160.5(b),

98162.5, 99561, 99561.2, 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32091. Electronic Filing.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3, 3551(a), 3555.5(c), 3563, 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3513, 3514.5, 3524.52(a), 3524.55, 3541.3, 3541.5, 3551(a), 3555.5(c), 3563, 3563.2, 71639.1 and 71825, Government Code; and Sections 25052, 28849(b), 28851, 28860(b), 37051, 40122, 40122.1, 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561, 99561.2, 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32092. Electronic Signature.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3, 3551(a), 3555.5(c), 3563, 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3513, 3514.5, 3524.52(a), 3524.55, 3541.3, 3541.5, 3551(a), 3555.5(c), 3563, 3563.2, 71639.1 and 71825, Government Code; Sections 25052, 28849(b), 28851, 28860(b), 37051, 40122, 40122.1, 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561, 99561.2, 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code; and California Rule of Court 2.257.

32093. Electronic Service.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3, 3551(a), 3555.5(c), 3563, 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3513, 3514.5, 3524.52(a), 3524.55, 3541.3, 3541.5, 3551(a), 3555.5(c), 3563, 3563.2, 71639.1 and 71825, Government Code; and Sections 25052, 28849(b), 28851, 28860(b), 37051, 40122, 40122.1, 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561, 99561.2, 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32094. Filed.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3, 3551(a), 3555.5(c), 3563, 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3513, 3514.5, 3524.52(a), 3524.55, 3541.3, 3541.5, 3551(a), 3555.5(c), 3563, 3563.2, 71639.1 and 71825, Government Code; and Sections 25052, 28849(b), 28851, 28860(b), 37051, 40122, 40122.1, 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561, 99561.2, 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32096. Bargain.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3551(a), 3555.5(c), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3513(h), 3514.5, 3524.52(a), 3541.3(n), 3541.5, 3551(a), 3555.5(c), 3563(m), 3563.2, 71639.1 and 71825, Government Code; and Sections 25052, 28849(b), 28851, 28860(b), 37051, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

Article 2. General Provisions

32100. Application of Regulations.

(a) All rules and regulations within this Chapter shall apply to proceedings conducted under EERA, Ralph C. Dills Act, and HEERA, ~~and~~ JCEERA₂, and to Chapters 2, 3, 4 and 10 within this Division.

(b) All rules and regulations within this Chapter, except for Subchapter 6, shall apply to proceedings conducted under MMBA and to Chapter 5 within this Division.

(c) All rules and regulations within this Chapter, except for Article 6 of Subchapter 6, shall apply to proceedings conducted under TEERA and to Chapter 6, Subchapter 2, within this Division.

(d) All rules and regulations within this Chapter, except for Subchapter 6, shall apply to proceedings conducted under the Trial Court Act and to Chapter 7 within this Division.

(e) All rules and regulations within this Chapter, except for Subchapter 6, shall apply to proceedings conducted under the Court Interpreter Act and to Chapter 8 within this Division.

(f) Except as expressly provided otherwise, the rules and regulations within this Chapter, and Chapters 2 through 8, and 10, do not apply to mediation, election or other services provided by mediators or conciliators pursuant to Government Code sections 3600 and 3601.

(g) All rules and regulations within this Chapter, except for Subchapters 6 and 8, shall apply to proceedings conducted under the PEDD and the PECC, excluding the administration of interest arbitration pursuant to Government Code Section 3557(b)(4). The rules and regulations in Articles 1 and 2 of Subchapter 2, and Subchapter 10 within this Chapter, shall apply to the administration of interest arbitration conducted under the PECC pursuant to Government Code Section 3557(b)(4).

(h) As set forth in Section 72001, the following regulations in Chapter 1, Subchapter 2, apply to transit district representation documents filed with SMCS: 32020, 32030, 32040, 32050, 32055, 32056, 32060, 32075, 32080, 32085, 32090, 32091, 32092, 32093, 32094, 32105, 32110, 32111, 32115, 32121, 32125, 32130, 32132, 32135, 32136, 32140, 32143, 32145, 32147, 32149, 32150, 32155, 32162, 32164.

(i) All rules and regulations within this Chapter, except for Subchapter 6, shall apply to unfair practice proceedings conducted under the OCTDA, SFBART Act, ~~and~~ Sacramento RTD Act (for opt in units), Santa Cruz Metro Act, and VTA Act (for opt in units). Representation proceedings under the OCTDA, SFBART Act, ~~and~~ Sacramento RTD Act, Santa Cruz Metro Act, and VTA Act are governed by Chapter 6, Subchapter 3, of these regulations.

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3551(a), 3555.5(c), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Section 19604, Business and Professions Code; Section 57031, Food and Agricultural Code; Sections 3502.5, 3507, 3507.1, 3507.3, 3507.5, 3508, 3509, 3513(h), 3524.52(a), 3541.3, 3551(a), 3555.5(c), 3557, 3563, 3600, 3601, 3602, 3603, 3611, 71632.5, 71636, 71636.1, 71636.3, 71637, 71637.1, 71639.1, 71823 and 71825, Government Code; Section 2686, Labor Code; and Sections 25051, 25052, 28849(b), 28850, 28851, 30750, 30751, 30754, 30756, 40120, 40122, 40122.1(a), 50120, 50121, 70120, 70122, 90300, 95650, 95651, 98160.5(b), 98162.5, 99561, 100301, 100305, 100309(b), 101341, 101342, 101344, 102399(b), 102401, 102403, 103401, 103404, 103405, 103406, 125521, 125526, Appendix 1, Sections 4.2 and 4.4 and Appendix 2, Sections 13.90, 13.91 and 13.96, Public Utilities Code.

32105. Severability.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3551(a), 3555.5(c), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3513(h), 3524.52(a), 3541.3, 3551(a), 3555.5(c), 3563, 71639.1 and 71825, Government Code; and Sections 25052, 28849(b), 28851,

28860(b), 30751, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561, 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32110. Electronic Filing Requirements.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3, 3551(a), 3555.5(c), 3563, 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3513, 3514.5, 3524.52(a), 3524.55, 3541.3, 3541.5, 3551(a), 3555.5(c), 3563, 3563.2, 71639.1 and 71825, Government Code; and Sections 25052, 28849(b), 28851, 28860(b), 30751, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561, 99561.2, 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32111. Notices to Employees Assigned Remote Work.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3, 3551(a), 3555.5(c), 3563, 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3513, 3514.5, 3524.52(a), 3524.55, 3524.74, 3541.3, 3541.5, 3551(a), 3555.5(c), 3563, 3563.2, 71639.1 and 71825, Government Code; and Sections 25052, 28849(b), 28851, 28860(b), 30751, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561, 99561.2, 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32115. Location to File Representation Matters.

[No changes to text.]

Authority cited: Sections 3509, 3513(h), 3524.52(a), 3541.3(g), 3551(a), 3555.5(c), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3524, 3524.52(a), 3524.74, 3541.3(n), 3551(a), 3555.5(c), 3563(m), 71639.1, 71807 and 71825, Government Code; and Sections 25052, 28849(b), 28851, 30751, 30756, 40122, 50121, 70122, 90300, 98160.5(b), 98162.5, 99561, 100301, 100309(b), 101344, 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32120. Filing Contracts with Board.

Each employer entering into a written agreement or memorandum of understanding with an exclusive representative pursuant to the PEDD, PECC, Trial Court Act, Court Interpreter Act, TEERA, MMBA, EERA, Ralph C. Dills Act, JCEERA, HEERA, OCTDA, SFBART Act, ~~or~~ Sacramento RTD Act, Santa Cruz Metro Act, or VTA Act, if requested by the Board, shall file one copy of the agreement and any amendments thereto with the Board within 15 days of the request.

Authority cited: Sections 3509(a), 3513(h), 3524, 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), 98160.5(b), 99561(f), 100300 and 102399(b), Public Utilities Code. Reference: Sections 3509, 3513(h), 3524, 3524.50, 3524.52(a), 3541.3(f), 3541.3(g), 3541.3(n), 3551(a), 3555.5(c), 3563(m), 71639.1 and 71825, Government Code; and Sections 28849(b), 40122.1(a), 98160.5(b), 99561(m), 100300 and 102399(b), Public Utilities Code.

32125. Filing Confidential Documents.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3551(a), 3555.5(c), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3513(h), 3524.52(a), 3541.3, 3544.7(b), 3551(a), 3555.5(c), 3563, 3577(b), 71639.1 and 71825, Government Code; and Sections 25052, 28849(b), 28851, 37051, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561, 99564.4(b), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32130. Computation of Time.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3551(a), 3555.5(c), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3513(h), 3524.52(a), 3541.3, 3544.7(b), 3551(a), 3555.5(c), 3563, 3577(b), 71639.1 and 71825, Government Code; and Sections 25052, 28849(b), 28851, 37051, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561, 99564.4(b), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32132. Extension of Time.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3551(a), 3555.5(c), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3509.3, 3513(h), 3520.8, 3524.52(a), 3524.76, 3541.3(n), 3541.35, 3551(a), 3555.5(c), 3563(m), 3563.5, 71639.1, 71639.15, 71825 and 71825.05, Government Code; and Sections 25052, 28849(b), 28851, 37051, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561(m), 99561.4, 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32135. Non-Electronic Filing.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3551(a), 3555.5(c), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities 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 25052, 28849(b), 28851, 37051, 40122, 40122.1(a), 50121, 70122, 90300, 98160.5(b), 95651, 98162.5, 99561(m), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32136. Late Filing.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3551(a), 3555.5(c), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities 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; Sections 12, 12(a) and 1013, Code of Civil Procedure; and Sections 25052, 28849(b), 28851, 37051, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561(m), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32140. Service; Proper Recipient for Filing or Service.

(a) [. . .]

(b) [. . .]

(c) [. . .]

(d) Whenever a document is required to be “filed” or “served” with any of the below listed entities, the proper recipient shall be:

(1) [. . .]

(2) [. . .]

(3) An employer

(A) [. . .]

(B) in case of a state employer: The Governor or ~~their~~ the Governor’s designated representative on behalf of the State of California;

(C) [. . .]

(D) [. . .]

(E) [. . .]

(F) [. . .]

(G) [. . .]

(H) in the case of the Judicial Council: the Administrative Director of the Courts or ~~their~~ the Administrative Director’s designated representative.

(I) in the case of a PUC transit district employer as defined in Public Utilities Code sections 28848(a), 40122.1(a), 98160(a), 100011 and 102011, any person authorized to act on behalf of the employer.

[. . .]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3551(a), 3555.5(c), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities 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 25052, 28849(b), 28851, 37051, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561(m), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32143. Abeyances.

[No changes to text.]

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), 98160.5(b), 99561(f), 100309(b) and 102399(b), Public Utilities 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; Sections 12, 12(a) and 1013, Code of Civil Procedure; and Sections 28849(b), 40122.1(a), 98160.5(b), 99561(m), 100309(b) and 102399(b), Public Utilities Code.

32145. Waiver of Time Periods.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3551(a), 3555.5(c), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities 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 25052, 28849(b), 28851, 37051, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561(m), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32147. Expediting Matters Before the Board.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3551(a), 3555.5(c), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, 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; Sections 25052, 28849(b), 28849(b), 28851, 37051, 40122, 40122.1(a), 50121, 70122, 90300, 98160.5(b), 95651, 98162.5, 99561(m), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code; and Section 10421(e), Welfare and Institutions Code.

32149. Investigative Subpoenas.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3551(a), 3555.5(c), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3513(h), 3524.52(a), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Sections 25052, 28849(b), 28851, 37051, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561(g), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32150. Subpoenas.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3551(a), 3555.5(c), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3513(h), 3524.52(a), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 3601, 71639.1 and 71825, Government Code; and Sections 25052, 28849(b), 28851, 37051, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561(g), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32155. Recusals.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3551(a), 3555.5(c), 3563, 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3509.5, 3513, 3520, 3524.52(a), 3524.73, 3541.3, 3542, 3551(a), 3555.5(c), 3557, 3563, 3564, 71639.1, 71639.4, 71825 and 71825.1, Government Code; and Sections 25052, 28849(b), 28851, 30751, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561, 99562, 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32162. Confidentiality of Board Investigations.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3551(a), 3555.5(c), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3513(h), 3524.52(a), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Sections 25052, 28849(b), 28851, 37051, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561(g), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32164. Application for Joinder of Parties.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3551(a), 3555.5(c), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3513(h), 3524.52(a), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Sections 25052, 28849(b), 28851, 37051, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561(g), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

SUBCHAPTER 3. HEARINGS.

32165. Application to Join a Representation Hearing As a Limited Party.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3513(h), 3524.52(a), 3541.3(a), 3541.3(b), 3541.3(h), 3541.3(l), 3541.3(m), 3541.3(n), 3563(a), 3563(c), 3563(g), 3563(k), 3563(l), 71639.1 and 71825, Government Code; and Sections 25052, 28849(b), 28851, 30751, 40122, 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561(a), 99561(c), 99561(g), 99561(k), 99561(l), 100301, 100309(b), 101344, 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32166. Application to Join a Representation Hearing As a Full Party.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 70122, 90300, 98160.5(b),

98162.5, 99561(f), 100309(b), 100301, 101344, 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3513(h), 3524.52(a), 3541.3(a), 3541.3(b), 3541.3(h), 3541.3(l), 3541.3(m), 3541.3(n), 3563(a), 3563(c), 3563(g), 3563(k), 3563(l), 71639.1 and 71825, Government Code; and Sections 25052, 28849(b), 28851, 30751, 40122, 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561(a), 99561(c), 99561(g), 99561(k), 99561(l), 100301, 100309(b), 101344, 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32168. Conduct of Hearing.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3551(a), 3555.5(c), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3513(h), 3524.52(a), 3541.3(h), 3541.3(k), 3551(a), 3555.5(c), 3563(g), 3563(j), 71639.1 and 71825, Government Code; and Sections 25052, 28849(b), 28851, 37051, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561(g), 99561(j), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32169. Depositions.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3551(a), 3555.5(c), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3513(h), 3524.52(a), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Sections 25052, 28849(b), 28851, 37051, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561(g), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32170. Authority of Board Agent Conducting a Hearing.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3551(a), 3555.5(c), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3513(h), 3524.52(a), 3541.3(h), 3541.3(k), 3551(a), 3555.5(c), 3563(g), 3563(j), 71639.1 and 71825, Government Code; and

Sections 25052, 28849(b), 28851, 37051, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561(g), 99561(j), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32175. Rules of Evidence: Representation Cases.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3513(h), 3524.52(a), 3541.3(a), 3541.3(b), 3541.3(h), 3541.3(l), 3541.3(m), 3563(a), 3563(c), 3563(g), 3563(k), 3563(l), 71639.1 and 71825, Government Code; and Sections 25052, 28849(b), 28851, 37051, 40122, 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561(a), 99561(c), 99561(g), 99561(k), 99561(l), 100301, 100309(b), 101344, 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32176. Rules of Evidence: Unfair Practice Cases.

[No changes to text.]

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), 98160.5(b), 99561(f), 100309(b) and 102399(b), Public Utilities Code. Reference: Sections 3509, 3513(h), 3524.52(a), 3541.3(h), 3541.3(i), 3551(a), 3555.5(c), 3563(g), 3563(h), 71639.1 and 71825, Government Code; and Sections 28849(b), 40122.1(a), 98160.5(b), 99561(g), 99561(h), 100309(b) and 102399(b), Public Utilities Code.

32178. Burden of Proof: Unfair Practice Cases.

[No changes to text.]

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), 98160.5(b), 99561(f), 100309(b) and 102399(b), Public Utilities Code. Reference: Sections 3509, 3513(h), 3524.52(a), 3541.3(h), 3541.3(i), 3551(a), 3555.5(c), 3563(g), 3563(h), 71639.1 and 71825, Government Code; and Sections 28849(b), 40122.1(a), 98160.5(b), 99561(g), 99561(h), 100309(b) and 102399(b), Public Utilities Code.

32180. Rights of Parties.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3551(a), 3555.5(c), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3513(h), 3524.52(a), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Sections 25052, 28849(b), 28851, 37051, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561(g), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32185. Ex Parte Communications.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3, 3551(a), 3555.5(c), 3563, 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 40122.1(a), 98160.5(b), 99561(f), 100309(b) and 102399(b), Public Utilities Code. Reference: Sections 3509, 3513(h), 3524.52(a), 3541.3(h), 3541.3(i), 3541.3(n), 3551(a), 3555.5(c), 3563(g), 3563(h), 3563(m), 71639.1 and 71825, Government Code; and Sections 28849(b), 40122.1(a), 98160.5(b), 99561(g), 99561(h), 99561(m), 100309(b) and 102399(b), Public Utilities Code.

32190. Motions.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3551(a), 3555.5(c), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3513(h), 3524.52(a), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Sections 25052, 28849(b), 28851, 37051, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561(g), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32200. Appeal of Rulings on Motions and Interlocutory Matters.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3551(a), 3555.5(c), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3513(h), 3524.52(a), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Sections 25052, 28849(b), 28851, 37051, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561(g),

100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32205. Request to Continue a Formal Hearing.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3551(a), 3555.5(c), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3513(h), 3524.52(a), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Sections 25052, 28849(b), 28851, 37051, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561(g), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32206. Production of Statements of Witnesses After Direct Testimony.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3551(a), 3555.5(c), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3513(h), 3524.52(a), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Sections 25052, 28849(b), 28851, 37051, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561(g), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32207. Hearings.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3551(a), 3555.5(c), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3513(h), 3524.52(a), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Sections 25052, 28849(b), 28851, 37051, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561(g), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32209. Correction of Transcript.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3551(a), 3555.5(c), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3513(h), 3524.52(a), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Sections 25052, 28849(b), 28851, 37051, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561(g), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32210. Informational Briefs and Arguments.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3541.3(n), 3551(a), 3555.5(c), 3563(f), 3563(m), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3513(h), 3524.52(a), 3541.3(a), 3541.3(b), 3541.3(e), 3541.3(g), 3541.3(h), 3541.3(i), 3541.3(l), 3541.3(m), 3541.3(n), 3551(a), 3555.5(c), 3563(a), 3563(b), 3563(e), 3563(f), 3563(g), 3563(h), 3563(k), 3563(l), 3563(m), 71639.1 and 71825, Government Code; and Sections 25052, 28849(b), 28851, 37051, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561, 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32212. Briefs and Oral Argument.

[No changes to text.]

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), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3513(h), 3524.52(a), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Sections 25052, 28849(b), 28851, 37051, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561(g), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32215. Proposed Decision.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3551(a), 3555.5(c), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3513(h), 3524.52(a), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Sections 25052, 28849(b), 28851, 37051, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561(g), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32220. Contemptuous Conduct.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3551(a), 3555.5(c), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3513(h), 3524.52(a), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Sections 25052, 28849(b), 28851, 37051, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561(g), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32230. Refusal of Witness to Testify.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3551(a), 3555.5(c), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3513(h), 3524.52(a), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Sections 25052, 28849(b), 28851, 37051, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561(g), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

SUBCHAPTER 4. DECISIONS OF THE BOARD ITSELF.

Article 1. Ex Parte Communications.

32295. Ex Parte Communications.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3, 3551(a), 3555.5(c), 3563, 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3513, 3514.5, 3524.52(a), 3541.3, 3541.5, 3551(a), 3555.5(c), 3563, 3563.2, 71639.1 and 71825, Government Code; and Sections 2502, 28849(b), 28851, 37051, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561, 99561.2, 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

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

32300. Exceptions to Board Agent Decision.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3551(a), 3555.5(c), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100309(b), 100301, 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3513(h), 3524.52(a), 3541.3(k), 3541.3(n), 3551(a), 3555.5(c), 3563(j), 3563(m), 71639.1 and 71825, Government Code; and Sections 25052, 28849(b), 28851, 30751, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561(j), 99561(m), 100309(b), 100301, 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32305. Finality of Board Agent Decisions.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3551(a), 3555.5(c), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100309(b), 100301, 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code; and Section 10421(e), Welfare and Institutions Code. Reference: Sections 3509, 3509.3, 3513(h), 3520.8, 3524.52(a), 3524.76, 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; Sections 25052, 28849(b), 28851, 30751, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561(j), 99561(m), 99561.4, 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code; and Section 10428.5(a), Welfare and Institutions Code.

32310. Response to Exceptions.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3551(a), 3555.5(c), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3513(h), 3524.52(a), 3541.3(k), 3541.3(n), 3551(a), 3555.5(c), 3563(j), 3563(m), 71639.1 and 71825, Government Code; and Sections 25052, 28849(b), 28851, 30751, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561(j), 99561(m), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32312. Reply Briefs.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3513(h), 3524.52(a), 3541.3(k), 3541.3(n), 3563(j), 3563(m), 71639.1 and 71825, Government Code; and Sections 25052, 28849(b), 28851, 30751, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561(j), 99561(m), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32315. Oral Argument on Exceptions.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3551(a), 3555.5(c), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3513(h), 3524.52(a), 3541.3(k), 3541.3(n), 3551(a), 3555.5(c), 3563(j), 3563(m), 71639.1 and 71825, Government Code; and Sections 25052, 28849(b), 28851, 30751, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561(j), 99561(m), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32320. Decision of the Board Itself.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3551(a), 3555.5(c), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3513(h), 3514.5, 3524.52(a), 3524.55, 3541.3(k), 3541.3(n), 3551(a), 3555.5(c), 3563(j), 3563(m), 3563.2, 11425.60, 71639.1 and 71825, Government Code; and Sections 25052, 28849(b), 28851, 30751, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561(j), 99561(m), 99561.2, 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32325. Remedial Power of the Board.

[No changes to text.]

Authority cited: Sections 3509(a), 3513, 3524.52(a), 3541.3, 3551(a), 3555.5(c), 3563, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 40122.1(a), 98160.5(b), 99561(f), 100309(b) and 102399(b), Public Utilities Code. Reference: Sections 3509, 3509.5, 3514.5(c), 3520, 3524.55(c), 3524.73, 3541.5(c), 3542, 3551(a), 3555.5(c), 3563.3, 3564, 71639.1, 71639.4, 71825 and 71825.1, Government Code; Sections 28849(b), 40122.1(a), 98160.5(b), 99561(f), 100309(b) and 102399(b), Public Utilities Code; and *Firefighters Union, Local 1186 v. City of Vallejo* (1974) 12 Cal.3d 608.

Article 3. Administrative Appeals.

32350. Definition of Administrative Decision.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3551(a), 3555.5(c), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3513(h), 3524.52(a), 3541.3(k), 3541.3(n), 3551(a), 3555.5(c), 3557, 3563(j), 3563(m), 71639.1 and 71825, Government Code; and Sections 25052, 28849(b), 28851, 30751, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561(j), 99561(m), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32360. Appeal Requirements.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4, and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3513(h), 3524.52(a), 3541.3(k), 3541.3(n), 3563(j), 3563(m), 71639.1 and 71825, Government Code; and Sections 25052, 28849(b), 28851, 30751, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561(j), 99561(m), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32370. Request for Stay of Activity.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4, and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3513(h), 3524.52(a), 3541.3(k), 3541.3(n), 3563(j), 3563(m), 71639.1 and 71825, Government Code; and Sections 25052, 28849(b), 28851, 30751, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561(j), 99561(m), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32375. Response to Administrative Appeal.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4, and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3513(h), 3524.52(a), 3541.3(k), 3541.3(n), 3563(j), 3563(m), 71639.1 and 71825, Government Code; and Sections 25052, 28849(b), 28851, 30751, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561(j), 99561(m), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32380. Limitation of Appeals.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4, and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3505.4, 3509, 3513(h), 3524.52(a), 3541.3(k), 3541.3(n), 3563(j), 3563(m), 71639.1 and 71825, Government Code; and Sections 25052, 28849(b), 28851, 30751, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561(j), 99561(m), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

Article 4. Reconsideration.

32400. Administrative Remedies.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3551(a), 3555.5(c), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3509.5, 3520, 3524.73, 3542, 3551(a), 3555.5(c), 3564, 71639.4 and 71825.1, Government Code; and Sections 25052, 28849(b), 28851, 30751, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99562, 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

32410. Request for Reconsideration.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3551(a), 3555.5(c), 3563(f), 3603, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3513(h), 3524.52(a), 3541.3(k), 3541.3(n), 3551(a), 3555.5(c), 3563(j), 3563(m), 71639.1 and 71825, Government Code; and Sections 25052, 28849(b), 28851, 30751, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561(j), 99561(m), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

Article 5. Request for Injunctive Relief.

32450. Request.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3551(a), 3555.5(c), 3563, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 40122.1(a), 98160.5(b), 99561(f), 100309(b) and 102399(b), Public Utilities Code. Reference: Sections 3509, 3513(h), 3524.52(a), 3551(a), 3555.5(c), 3541.3(j), 3541.3(n), 3563(i), 71639.1 and 71825, Government Code; and Sections 28849(b), 40122.1(a), 98160.5(b), 99561(i), 100309(b) and 102399(b), Public Utilities Code.

32455. Investigation.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3, 3551(a), 3555.5(c), 3563, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 40122.1(a), 98160.5(b), 99561(f), 100309(b) and 102399(b), Public Utilities Code. Reference: Sections 3509, 3513(h), 3524.52(a), 3541.3(j), 3551(a), 3555.5(c), 3563(i), 71639.1 and 71825, Government Code; and Sections 28849(b), 40122.1(a), 98160.5(b), 99561(i), 100309(b) and 102399(b), Public Utilities Code.

32460. Recommendation.

[No changes to text.]

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), 98160.5(b), 99561(f), 100309(b) and 102399(b), Public Utilities Code. Reference: Sections 3509, 3513(h), 3524.52(a), 3541.3(j), 3541.3(n), 3551(a), 3555.5(c), 3563(i), 3563(m), 71639.1 and 71825, Government Code; and Sections 28849(b), 40122.1(a), 98160.5(b), 99561(i), 99561(m), 100309(b) and 102399(b), Public Utilities Code.

32465. Decision of the Board Itself.

[No changes to text.]

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), 98160.5(b), 99561(f), 100309(b) and 102399(b), Public Utilities Code. Reference: Sections 3509, 3513(h), 3524.52(a), 3541.3(j), 3541.3(n), 3551(a), 3555.5(c), 3563(i), 3563(m), 71639.1 and 71825, Government Code; and Sections 28849(b), 40122.1(a), 98160.5(b), 99561(i), 99561(m), 100309(b) and 102399(b), Public Utilities Code.

32470. Lack of Board Quorum.

[No changes to text.]

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), 98160.5(b),

99561(f), 100309(b) and 102399(b), Public Utilities Code. Reference: Sections 3509, 3513(h), 3524.52(a), 3541(f), 3541(g), 3541.3(j), 3541.3(k), 3551(a), 3555.5(c), 3563(i), 3563(j), 71639.1 and 71825, Government Code; and Sections 28849(b), 40122.1(a), 98160.5(b), 99561(i), 99561(j), 100309(b) and 102399(b), Public Utilities Code.

Article 6. Request for Judicial Review

32500. Review of Representation Case.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3563(f), 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 30751, 40122, 40122.1(a), 70122, 90300, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code. Reference: Sections 3509, 3509.5, 3520, 3524.73, 3542, 3564, 71639.4 and 71825.1, Government Code; and Sections 25052, 28849(b), 28851, 37051, 40122, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99562, 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91, Public Utilities Code.

SUBCHAPTER 5. UNFAIR PRACTICE PROCEEDINGS

32602. Processing Violations.

(a) Alleged violations of the EERA, Ralph C. Dills Act, HEERA, MMBA, TEERA, JCEERA, Article 3 of the Trial Court Act, the Court Interpreter Act, the PECC, the PEDD, the OCTDA, the SFBART Act, the Sacramento RTD Act, the Santa Cruz Metro Act, the VTA Act, and alleged violations of local rules adopted pursuant to the MMBA, Trial Court Act, Court Interpreter Act, or the OCTDA, ~~and alleged violations of rules or regulations adopted by the Statewide Authority pursuant to HSSSEERA,~~ shall be processed as unfair practice charges.

[. . .]

Authority cited: Sections 3509, 3513, 3524.52(a), 3541.3, 3551(a), 3555.5(c), 3563, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 40122.1(a), 98160.5(b), 99561(f), 100309(b) and 102399(b), Public Utilities Code. Reference: Sections 3506.5, 3509, 3513(h), 3514.5, 3515.7, 3519, 3519.5, 3523, 3524.52(a), 3524.55, 3524.59, 3524.71, 3524.72, 3524.78, 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71636, 71636.3, 71637.1, 71639.1, 71823 and 71825, Government Code; and Sections 28849(b), 28860(b), 40122.1, 98160.5(b), 99561(h), 99561.2, 99563.7, 99563.8, 99566.3, 99569, 100309(b), 102399(b) and 102408(b)(2), Public Utilities Code.

32614.4. Employer Unfair Practices under Santa Cruz Metro Act.

It shall be an unfair practice for the District to do any of the following:

(a) Impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of the exercise of rights guaranteed to them by the Santa Cruz Metro Act.

(b) Deny to employee organizations rights guaranteed to them by the Santa Cruz Metro Act.

(c) Knowingly provide an exclusive representative with inaccurate information or otherwise fail or refuse to bargain in good faith with an exclusive representative as required by the Santa Cruz Metro Act.

(d) Dominate or interfere with the formation or administration of any employee organization, or contribute financial or other support to it, or in any way encourage employees to join any organization in preference to another.

(e) Fail to exercise good faith while participating in any impasse procedure mutually agreed to, including pursuant to Public Utilities Code Section 98169, or contained in Chapter 3, Division 4.5, Title 1 of the Government Code (commencing with Government Code section 3611) (Public Transit Labor Disputes Act).

(f) Violate in any way the Public Employees Communication Chapter as contained in Title 1 of the Government Code (commencing with Section 3555), or Section 32610 of these regulations.

(g) Violate in any way the Prohibition on Public Employers Deterring or Discouraging Union Membership as contained in Title 1 of the Government Code (commencing with Section 3550), or Section 32611 of these regulations.

(h) In any other way violate the Santa Cruz Metro Act.

Authority cited: Section 3541.3(g), Government Code; and Sections 98160.5(b), 98169, Public Utilities Code. Reference: 3550, 3553, 3555, 3555.5(c), 3556, 3558, 3558.8(a), 3558.8(b), 3558.8(h) and 3611, Government Code; Sections 98160.5(b), 98167, 98168(b), 98169, 98171(b), 98173, Public Utilities Code.

32614.5. Employee Organization Unfair Practices under Santa Cruz Metro Act.

It shall be an unfair practice for an employee organization to do any of the following:

(a) Cause or attempt to cause the District to engage in conduct prohibited by the Santa Cruz Metro Act.

(b) Impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of the exercise of rights guaranteed to them by the Santa Cruz Metro Act.

(c) Refuse or fail to bargain in good faith as required by Public Utilities Code Section 98170.

(d) Fail to exercise good faith while participating in any impasse procedure mutually agreed to, including pursuant to Public Utilities Code Section 98167, or contained in Chapter 3, Division 4.5, Title 1 of the Government Code (commencing with Government Code Section 3611) (Public Transit Labor Disputes Act).

(e) Violate in any way the Public Employees Communication Chapter as contained in Title 1 of the Government Code (commencing with Section 3555) or Section 32610.5 of these regulations.

(f) Violate in any way the Prohibition on Public Employers Deterring or Discouraging Union Membership as contained in Title 1 of the Government Code (commencing with Section 3550), or Section 32611.5 of these regulations.

(g) In any other way violate the Santa Cruz Metro Act.

Authority cited: Section 3541.3(g), Government Code; and Sections 98160.5(b), 98170, Public Utilities Code. Reference: 3550, 3553, 3555, 3555.5(c), 3556, 3558, 3558.8(a), 3558.8(b), 3558.8(h) and 3611, Government Code; Sections 98160.5(b), 98168(b), 98170, 98171(b), 98173, Public Utilities Code.

32614.6. Employer Unfair Practices under VTA Act.

It shall be an unfair practice for the District to do any of the following:

(a) Impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of the exercise of rights guaranteed to them by the VTA Act. As used in this provision, “employee” includes an applicant for employment or reemployment with the District.

(b) Deny to employee organizations rights guaranteed to them by the VTA Act.

(c) Fail or refuse to bargain in good faith with an exclusive representative as required by the VTA Act.

(d) Dominate or interfere with the formation or administration of any employee organization, or contribute financial or other support to it, or in any way encourage employees to join any organization in preference to another.

(e) Fail to exercise good faith while participating in any impasse procedure mutually agreed to, including pursuant to Public Utilities Code Sections 100302 and 100305, or contained in Chapter 3, Division 4.5, Title 1 of the Government Code (commencing with Government Code section 3611) (Public Transit Labor Disputes Act).

(f) Violate in any way the Public Employees Communication Chapter as contained in Title 1 of the Government Code (commencing with Section 3555), or Section 32610 of these regulations.

(g) Violate in any way the Prohibition on Public Employers Deterring or Discouraging Union Membership as contained in Title 1 of the Government Code (commencing with Section 3550), or Section 32611 of these regulations.

(h) In any other way violate the VTA Act.

Authority cited: Section 3541.3(g), Government Code; and Section 100309(b), Public Utilities Code. Reference: 3550, 3553, 3555, 3555.5(c), 3556, 3558, 3558.8(a), 3558.8(b), 3558.8(h) and 3611, Government Code; Sections 100302, 100305, 100309(b), 100310 and 100311, Public Utilities Code.

32614.7. Employee Organization Unfair Practices under the VTA Act.

It shall be an unfair practice for an employee organization to do any of the following:

(a) Cause or attempt to cause the District to engage in conduct prohibited by the VTA Act.

(b) Impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of the exercise of rights guaranteed to them by the VTA Act.

(c) Refuse or fail to bargain in good faith as required by Public Utilities Code Section 100302.

(d) Fail to exercise good faith while participating in any impasse procedure mutually agreed to, including pursuant to Public Utilities Code Sections 100302 and 100305, or contained in Chapter 3, Division 4.5, Title 1 of the Government Code (commencing with Government Code Section 3611) (Public Transit Labor Disputes Act).

(e) Violate in any way the Public Employees Communication Chapter as contained in Title 1 of the Government Code (commencing with Section 3555) or Section 32610.5 of these regulations.

(f) Violate in any way the Prohibition on Public Employers Deterring or Discouraging Union Membership as contained in Title 1 of the Government Code (commencing with Section 3550), or Section 32611.5 of these regulations.

(g) In any other way violate the VTA Act.

Authority cited: Section 3541.3(g), Government Code; and Section 100309(b), Public Utilities Code. Reference: 3550, 3553, 3555, 3555.5(c), 3556, 3558, 3558.8(a), 3558.8(b), 3558.8(h) and 3611, Government Code; Sections 100302, 100305, 100309(b), 100310, 100311, Public Utilities Code.

32615. Contents of Charge.

(a) A charge may be filed alleging that an unfair practice or practices have been committed. The charge shall be in writing, signed under penalty of perjury by the party or its agent with the

declaration that the charge is true, and complete to the best of the charging party's knowledge and belief, and contain the following information:

- (1) The name and address of the party alleged to have engaged in an unfair practice. If the party is the State of California, the name and address of the "appointing power" as defined in Government Code Section 18524, and of the Governor shall be set forth;
- (2) The name, address, and telephone number of the charging party;
- (3) The name, address, and telephone number of an authorized agent of the charging party to be contacted;
- (4) The sections of the Government Code, the applicable local rules, ~~the applicable rule or regulation adopted by the Statewide Authority pursuant to IHSSEERA or~~ the sections of the Public Utilities Code, or the Welfare and Institutions Code, alleged to have been violated;
- (5) A clear and concise statement of the facts and conduct alleged to constitute an unfair practice; and
- (6) A statement of the remedy sought by the charging party.

(b) A charge filed under MMBA, Article 3 of the Trial Court Act, the Court Interpreter Act, or OCTDA alleging a violation of local rules must also contain a copy of the applicable rule(s).

(c) Service and proof of service on the respondent pursuant to Section 32140 are required.

Authority cited: Sections 3509, 3513, 3524.52(a), 3541.3, 3551(a), 3555.5(c), 3563, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 40122.1(a), 98160.5(b), 99561(f), 100309(b) and 102399(b), Public Utilities Code; and Sections 10427.5, 10427.7, 10428, 10428.3 and 10428.5, Welfare and Institutions Code. Reference: Sections 3502.5, 3509, 3513(h), 3514.5, 3515.7, 3519, 3519.5, 3523, 3524.52(a), 3524.55, 3524.59, 3524.71, 3524.72, 3524.78, 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1, 71814 and 71825, Government Code; and Sections 28849(b), 28850, 28858, 28859, 28860(b), 40120, 40122.1, 98160.5(b), 99561(h), 99561.2, 99563.7, 99563.8, 99566.3, 99569, 100309(b), 102399(b), 102400, 102401, 102404, 102405, 102406, 102407, 102408(b)(2) and 102414, Public Utilities Code; and Sections 10427.5, 10427.7, 10428, 10428.3 and 10428.5, Welfare and Institutions Code.

32616. Venue of Charge.

[No changes to text.]

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), 98160.5(b), 99561(f), 100309(b) and 102399(b), Public Utilities Code. Reference: Sections 3509, 3513(h),

3514.5, 3524.52(a), 3524.55, 3541.3(i), 3541.5, 3551(a), 3555.5(c), 3563(h), 3563.2, 71639.1, 71807 and 71825, Government Code; and Sections 28849(b), 28860(b), 40122.1, 98160.5(b), 99561(h), 99561.2, 100309(b), 102399(b) and 102408(b)(2), Public Utilities Code.

32620. Processing of Case.

(a) When a charge is filed, it shall be assigned to a Board agent for processing.

(b) The powers and duties of such Board agent shall be to:

(1) Assist the charging party to state in proper form the information required by Section 32615;

(2) Answer procedural questions of each party regarding the processing of the case;

(3) Facilitate communication and the exchange of information between the parties;

(4) Make inquiries and review the charge and any accompanying materials to determine whether an unfair practice has been, or is being, committed, and determine whether the charge is subject to deferral to arbitration, or to dismissal for lack of timeliness.

(5) Dismiss the charge or any part thereof as provided in Section 32630 if it is determined that the charge or the evidence is insufficient to establish a prima facie case; or if it is determined that a complaint may not be issued in light of the statute of limitations; or if the dispute is subject to deferral to final and binding arbitration under a collective bargaining agreement and the case arises under the Dills Act, EERA, JCEERA, or Welfare and Institutions Code Section 10420 et seq. Government Code Sections 3514.5, 3524.55, 3541.5, 3563.2, 71639.1(e) or 71825(c), or Public Utilities Code Section 99561.2; or if it is determined that a charge filed pursuant to Government Code section 3509(b) or Public Utilities Code Sections 28860(b), 40122.1, or 102408(b)(2) is based upon conduct occurring more than six months prior to the filing of the charge.

(6) ~~Place the charge in abeyance if the dispute arises under MMBA, HEERA, TEERA, Trial Court Act, or Court Interpreter Act, OCTDA, SFBART Act or Sacramento RTD Act, and~~ If the dispute is subject to deferral to final and binding arbitration pursuant to a collective bargaining agreement; and the case does not arise under the Dills Act, EERA, JCEERA, or Welfare and Institutions Code Section 10420 et seq., then place the charge in abeyance and dismiss the charge at the conclusion of the arbitration process unless the charging party demonstrates that the settlement or arbitration award is repugnant to the applicable Act, purposes of MMBA, HEERA, TEERA, Trial Court Act, Court Interpreter Act, OCTDA, SFBART Act, or Sacramento RTD Act as provided in Section 32661.

(7) Issue a complaint pursuant to Section 32640.

(c) The respondent shall be apprised of the allegations, and may state its position on the charge during the course of the inquiries. Any response must be in writing, and signed under penalty of perjury by the party or its agent with the declaration that the response is true and complete to the

best of the respondent's knowledge and belief. Service and proof of service pursuant to Section 32140 are required.

(d) The Board agent shall advise the charging party in writing of any deficiencies in the charge in a warning letter, unless otherwise agreed by the Board agent and the charging party, prior to dismissal of any allegations contained in the charge. The warning letter shall identify the facts obtained from the charge or any response to the charge which reveal a deficiency in the charge. The dismissal of a charge shall also be in writing and must identify the deficiencies in the charging party's allegations.

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), 98160.5(b), 99561(f), 100309(b) and 102399(b), Public Utilities Code, and Section 10428.5, Welfare and Institutions Code. Reference: Sections 3502.5, 3506.5, 3509, 3513(h), 3514.5, 3515.7, 3519, 3519.5, 3523, 3524.52(a), 3524.55, 3524.59, 3524.71, 3524.72, 3524.78, 3541.3(i), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c), 3563(h), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1 and 71825, Government Code; Sections 28849(b), 28850, 28858, 28859, 28860(b), 40120, 40122.1, 98160.5(b), 99561(h), 99561.2, 99563.7, 99563.8, 99566.3, 99569, 100309(b), 102399(b), 102400, 102401, 102404, 102405, 102406, 102407, 102408(b)(2) and 102414, Public Utilities Code; Section 10428.5, Welfare and Institutions Code; *Firefighters Union, Local 1186 v. City of Vallejo* (1974) 12 Cal.3d 608; and *Coachella Valley Mosquito and Vector Control District v. Public Employment Relations Board* (2005) 35 Cal.4th 1072.

32621. Amendment of Charge.

[No changes to text.]

Authority cited: Sections 3509, 3513, 3524.52(a), 3541.3, 3551(a), 3555.5(c), 3563, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 40122.1(a), 98160.5(b), 99561(f), 100309(b) and 102399(b), Public Utilities Code; and Sections 10427.5, 10427.7, 10428, 10428.3 and 10428.5, Welfare and Institutions Code. Reference: Sections 3502.5, 3506.5, 3509, 3513(h), 3514.5, 3515.7, 3519, 3519.5, 3523, 3524.52(a), 3524.55, 3524.59, 3524.71, 3524.72, 3524.78, 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71636, 71636.3, 71637.1, 71639.1, 71814, 71823 and 71825, Government Code; and Sections 28849(b), 28850, 28858, 28859, 28860(b), 40120, 40122.1, 98160.5(b), 99561(h), 99561.2, 99563.7, 99563.8, 99566.3, 99569, 100309(b), 102399(b), 102400, 102401, 102404, 102405, 102406, 102407, 102408(b)(2) and 102414, Public Utilities Code; and Sections 10427.5, 10427.7, 10428, 10428.3 and 10428.5, Welfare and Institutions Code.

32625. Withdrawal of Charge.

[No changes to text.]

Authority cited: Sections 3509, 3513, 3524.52(a), 3541.3, 3551(a), 3555.5(c), 3563, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 40122.1(a), 98160.5(b), 99561(f), 100309(b) and 102399(b), Public Utilities Code; and Sections 10427.5, 10427.7, 10428, 10428.3 and 10428.5, Welfare and Institutions Code. Reference: Sections 3502.5, 3506.5, 3509, 3513, 3514.5, 3515.7, 3519, 3519.5, 3523, 3524.52(a), 3524.55, 3524.59, 3524.71, 3524.72, 3524.79, 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1, 71814 and 71825, Government Code; and Sections 28849(b), 28850, 28858, 28859, 28860(b), 40120, 40122.1, 98160.5(b), 99561(h), 99561.2, 99563.7, 99563.8, 99566.3, 99569, 100309(b), 102399(b), 102400, 102401, 102404, 102405, 102406, 102407, 102408(b)(2) and 102414, Public Utilities Code; and Sections 10427.5, 10427.7, 10428, 10428.3 and 10428.5, Welfare and Institutions Code.

32630. Dismissal/Refusal to Issue a Complaint.

[No changes to text.]

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), 98160.5(b), 99561(f), 100309(b) and 102399(b), Public Utilities Code. Reference: Sections 3502.5, 3506.5, 3509, 3513(h), 3514.5, 3515.7, 3519, 3519.5, 3523, 3524.52(a), 3524.55, 3524.59, 3524.71, 3524.72, 3524.78, 3541.3(i), 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c), 3563(h), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1, 71814 and 71825, Government Code; and Sections 28849(b), 28850, 28858, 28859, 28860(b), 40120, 40122.1, 98160.5(b), 99561(h), 99561.2, 99563.7, 99563.8, 99566.3, 99569, 100309(b), 102399(b), 102400, 102401, 102404, 102405, 102406, 102407, 102408(b)(2) and 102414, Public Utilities Code.

32635. Review of Dismissals.

[No changes to text.]

Authority cited: Sections 3509(a), 3513(h), 3524.52(a), 3541.3, 3551(a), 3555.5(c), 3563, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 40122.1(a), 98160.5(b), 99561(f), 100309(b) and 102399(b), Public Utilities Code. Reference: Sections 3502.5, 3506.5, 3509, 3513(h), 3514.5, 3515.7, 3519, 3519.5, 3523, 3524.52(a), 3524.55, 3524.59, 3524.71, 3524.72, 3524.78, 3541.3(i), 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c), 3563(h), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1, 71814 and 71825, Government Code; and Sections 28849(b), 28850, 28858, 28859, 28860(b), 40120, 40122.1, 98160.5(b), 99561(h), 99561.2, 99563.7, 99563.8, 99566.3, 99569, 100309(b), 102399(b), 102400, 102401, 102404, 102405, 102406, 102407, 102408(b)(2) and 102414, Public Utilities Code.

32640. Issuance of a Complaint.

[No changes to text.]

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), 98160.5(b), 99561(f), 100309(b) and 102399(b), Public Utilities Code. Reference: Sections 3502.5, 3506.5, 3509, 3513(h), 3514.5, 3515.7, 3519, 3519.5, 3523, 3524.52(a), 3524.55, 3524.59, 3524.71, 3524.72, 3524.78, 3541.3(i), 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c), 3563(h), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1, 71814 and 71825, Government Code; and Sections 28849(b), 28850, 28858, 28859, 28860(b), 40120, 40122.1, 98160.5(b), 99561(h), 99561.2, 99563.7, 99563.8, 99566.3, 99569, 100309(b), 102399(b), 102400, 102401, 102404, 102405, 102406, 102407, 102408(b)(2) and 102414, Public Utilities Code.

32644. Answer.

[No changes to text.]

Authority cited: Sections 3509, 3513, 3524.52(a), 3541.3, 3551(a), 3555.5(c), 3563, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 40122.1(a), 98160.5(b), 99561(f), 100309(b) and 102399(b), Public Utilities Code. Reference: Sections 3502.5, 3506.5, 3509, 3513(h), 3514.5, 3515.7, 3519, 3519.5, 3523, 3524.52(a), 3524.55, 3524.59, 3524.71, 3524.72, 3524.78, 3541.3(i), 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c), 3563(h), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1, 71814 and 71825, Government Code; and Sections 28849(b), 28850, 28858, 28859, 28860(b), 40120, 40122.1, 98160.5(b), 99561(h), 99561.2, 99563.7, 99563.8, 99566.3, 99569, 100309(b), 102399(b), 102400, 102401, 102404, 102405, 102406, 102407, 102408(b)(2) and 102414, Public Utilities Code.

32645. Non-Prejudicial Error.

[No changes to text.]

Authority cited: Sections 3509, 3513, 3524.52(a), 3541.3, 3551(a), 3555.5(c), 3563, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 40122.1(a), 98160.5(b), 99561(f), 100309(b) and 102399(b), Public Utilities Code. Reference: Sections 3509, 3514.5(a), 3524.52(a), 3524.55, 3541.5(a), 3551(a), 3555.5(c), 3563.2, 71639.1 and 71825, Government Code; and Sections 28849(b), 28860(b), 40122.1, 98160.5(b), 99561(h), 99561.2, 99563.7, 99563.8, 100309(b), 102399(b) and 102408(b)(2), Public Utilities Code.

32647. Amendment of Complaint Before Hearing.

[No changes to text.]

Authority cited: Sections 3509, 3513, 3524.52(a), 3541.3, 3551(a), 3555.5(c), 3563, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 40122.1(a), 98160.5(b), 99561(f), 100309(b) and 102399(b), Public Utilities Code. Reference: Sections 3502.5, 3506.5, 3509, 3513(h), 3514.5, 3515.7, 3519, 3519.5, 3523, 3524.52(a), 3524.55, 3524.59, 3524.71, 3524.72, 3524.78, 3541.3(i), 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c),

3563(h), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1, 71814 and 71825, Government Code; and Sections 28849(b), 28850, 28858, 28859, 28860(b), 40120, 40122.1, 98160.5(b), 99561(h), 99561.2, 99563.7, 99563.8, 99566.3, 99569, 100309(b), 102399(b), 102400, 102401, 102404, 102405, 102406, 102407, 102408(b)(2) and 102414, Public Utilities Code.

32648. Amendment of Complaint During Hearing.

[No changes to text.]

Authority cited: Sections 3509, 3513, 3524.52(a), 3541.3, 3551(a), 3555.5(c), 3563, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 40122.1(a), 98160.5(b), 99561(f), 100309(b) and 102399(b), Public Utilities Code. Reference: Sections 3502.5, 3506.5, 3509, 3513(h), 3514.5, 3515.7, 3519, 3519.5, 3523, 3524.52(a), 3524.55, 3524.59, 3524.71, 3524.72, 3524.78, 3541.3(i), 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c), 3563(h), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1, 71814 and 71825, Government Code; and Sections 28849(b), 28850, 28858, 28859, 28860(b), 40120, 40122.1, 98160.5(b), 99561(g), 99561(h), 99561.2, 99563.7, 99563.8, 99566.3, 99569, 100309(b), 102399(b), 102400, 102401, 102404, 102405, 102406, 102407, 102408(b)(2) and 102414, Public Utilities Code.

32649. Answer to Amendment.

[No changes to text.]

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), 98160.5(b), 99561(f), 100309(b) and 102399(b), Public Utilities Code. Reference: Sections 3502.5, 3506.5, 3509, 3513(h), 3514.5, 3515.7, 3519, 3519.5, 3523, 3524.52(a), 3524.55, 3524.59, 3524.71, 3524.72, 3524.78, 3541.3(i), 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c), 3563(h), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1, 71814 and 71825, Government Code; and Sections 28849(b), 28850, 28858, 28859, 28860(b), 40120, 40122.1, 98160.5(b), 99561(h), 99561.2, 99563.7, 99563.8, 99566.3, 99569, 100309(b), 102399(b), 102400, 102401, 102404, 102405, 102406, 102407, 102408(b)(2) and 102414, Public Utilities Code.

32650. Informal Conference.

[No changes to text.]

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), 98160.5(b), 99561(f), 100309(b) and 102399(b), Public Utilities Code. Reference: Sections 3502.5, 3506.5, 3509, 3513(h), 3514.5, 3515.7, 3519, 3519.5, 3523, 3524.52(a), 3524.55, 3524.59, 3524.71, 3524.72, 3524.78, 3541.3(i), 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c), 3563(h), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1,

71814 and 71825, Government Code; and Sections 28849(b), 28850, 28858, 28859, 28860(b), 40120, 40122.1, 98160.5(b), 99561(h), 99561.2, 99563.7, 99563.8, 99566.3, 99569, 100309(b), 102399(b), 102400, 102401, 102404, 102405, 102406, 102407, 102408(b)(2) and 102414, Public Utilities Code.

32661. Repugnancy Claims.

(a) An unfair practice charge ~~concerning conduct subject to Government Code Section 3505.8, 3514.5(a)(2), 3524.55(a)(2), or 3541.5(a)(2), or subject to final and binding arbitration pursuant to a collective bargaining agreement for parties governed by the TEERA, HEERA, Trial Court Act, Court Interpreter Act, OCTDA, SFBART Act, or Sacramento RTD Act~~ may be filed based on a claim that the settlement or arbitration award is repugnant to the applicable Act.

(b) The charge shall comply with the requirements of Section 32615. It shall allege with specificity the facts underlying the charging party's claim that the arbitrator's award is repugnant to the purposes of the applicable Act.

(c) In reviewing the charge to determine whether a complaint shall issue, the Board agent shall have all of the powers and duties specified in Sections 32620, 32630, and 32640. A Board agent's issuance of a complaint under this section shall not be appealable to the Board itself except as provided in Section 32360.

(d) The Board itself may, at any time, direct that the record be submitted to the Board itself for decision.

Authority cited: Sections 3509, 3513, 3524.52(a), 3541.3, 3551(a), 3555.5(c), 3563, 71639.1(b) and 71825(b), Government Code; Sections 28849(b), 40122.1(a), 98160.5(b), 99561(f), 100309(b) and 102399(b), Public Utilities Code; and Sections 10427.5, 10427.7, 10428, 10428.3, and 10428.5, Welfare and Institutions Code. Reference: Sections 3505.8, 3506.5, 3509, 3514.5, 3519, 3519.5, 3524.52(a), 3524.55, 3524.71, 3524.72, 3541.5, 3543.5, 3543.6, 3551(a), 3555.5(c), 3558.8, 3563.2, 3571, 3571.1, 3571.3, 3589, 71639.1 and 71825, Government Code; Sections 28849(b), 28858, 28859, 28860(b), 40122.1, 98160.5(b), 99561(h), 99561.2, 99563.7, 99563.8, 99567, 100309(b), 102399(b), 102400, 102401, 102404, 102405, 102406, 102407, 102408(b)(2) and 102414, Public Utilities Code; and Sections 10427.5, 10427.7, 10428, 10428.3 and 10428.5, Welfare and Institutions Code.

32680. Formal Hearing.

[No changes to text.]

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), 98160.5(b), 99561(f), 100309(b) and 102399(b), Public Utilities Code. Reference: Sections 3502.5, 3506.5, 3509, 3513(h), 3514.5, 3515.7, 3519, 3519.5, 3523, 3524.52(a), 3524.55, 3524.59, 3524.71, 3524.72, 3524.78, 3541.3(i), 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c), 3563(h), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1,

71814 and 71825, Government Code; and Sections 28849(b), 28850, 28858, 28859, 28860(b), 40120, 40122.1, 98160.5(b), 99561(g), 99561(h), 99561.2, 99563.7, 99563.8, 99566.3, 99569, 100309(b), 102399(b), 102400, 102401, 102404, 102405, 102406, 102407, 102408(b)(2) and 102414, Public Utilities Code.

32690. Notice of Formal Hearing and Prehearing Memorandum.

[No changes to text.]

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), 98160.5(b), 99561(f), 100309(b) and 102399(b), Public Utilities Code. Reference: Sections 3502.5, 3506.5, 3509, 3513(h), 3514.5, 3515.7, 3519, 3519.5, 3523, 3524.52(a), 3524.55, 3524.59, 3524.71, 3524.72, 3524.78, 3541.3(i), 3541.3(n), 3541.5, 3543.5, 3543.6, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c), 3563(h), 3563(m), 3563.2, 3571, 3571.1, 3571.3, 3584, 3587, 3595, 71632.5, 71639.1, 71814 and 71825, Government Code; and Sections 28849(b), 28850, 28858, 28859, 28860(b), 40120, 40122.1, 98160.5(b), 99561(g), 99561(h), 99561.2, 99563.7, 99563.8, 99566.3, 99569, 100309(b), 102399(b), 102400, 102401, 102404, 102405, 102406, 102407, 102408(b)(2) and 102414, Public Utilities Code.

SUBCHAPTER 7. COMPLIANCE

Article 1. Compliance

32980. Compliance.

[No changes to text.]

Authority cited: Sections 3509(a), 3513, 3524.52(a), 3541.3, 3551(a), 3555.5(c), 3563, 71639.1(b) and 71825(b), Government Code; and Sections 28849(b), 40122.1(a), 98160.5(b), 99561(f), 100309(b) and 102399(b), Public Utilities Code. Reference: Sections 3509, 3509.5, 3514.5(c), 3520, 3524.52(a), 3524.55(c), 3524.73, 3541.5(c), 3542, 3551(a), 3555.5(c), 3563.3, 3564, 71639.1, 71639.4, 71825 and 71825.1, Government Code; Sections 28849(b), 28860(b), 40122.1, 98160.5(b), 99561.3, 99562, 100309(b), 102399(b) and 102408(b)(2), Public Utilities Code; and *Firefighters Union, Local 1186 v. City of Vallejo* (1974) 12 Cal.3d 608.