

§ 204.4 of PERB's Rules of Procedure was amended on July 27, 2018 through Notice of Emergency Adoption and Proposed Rule Making. Comments on the amended Rule will be accepted for 60 days after publication of the notice on August 15, 2018. Comments should be submitted to:

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Below is a version of amended § 204.4 which shows the differences between the original and amended Rules. New additions are underlined, while bracketed material has been deleted in the new § 204.4.

§ 204.4 Expedited determinations

(a) Immediately after the conference referred to in section 212.2 of Part 212 of this Chapter, and if one or more of the parties has made a request that a dispute involving primarily a disagreement as to the scope of negotiations under the act be processed expeditiously, or if the director shall deem it appropriate to do so, the director shall so notify the board and transmit the papers to the board. The board shall then inform the parties as to whether it will accord expedited treatment to the matter. If the board determines that the matter will be expedited, it will also notify the respondent of the due date for its answer, and the parties of the due date for briefs. The board may also direct that oral argument be held before it, or that a hearing be held before the full board, one of its members, or an administrative law judge. If the board determines that expedited treatment will not be accorded, the matter will be handled in accordance with sections 204.2(b) and 204.3 of this Part and Parts 212 and 213 of this Chapter.

(b) At the request of any party, or if the director shall deem it appropriate to do so, the director shall, within a reasonable period of time after a conference, make a preliminary determination whether a dispute presents an issue or issues of law relating to the scope of any duty of fair representation allegedly owed by an employee organization to a non-member, or to any member seeking to terminate membership in an employee organization, or related question. After such preliminary determination, the director shall, upon determining that the matter warrants expedited treatment, so notify the board and transmit the papers to the board. A determination by the director that the matter does not warrant expedited treatment shall not be subject to review by the board pursuant to Part 213. If the board determines that expedited treatment of the matter is warranted, it will so inform the parties. The board will notify the parties of the due date for briefs, and may also direct that oral argument be held before it, or that a hearing be held before the full board, one of its members, or an administrative law judge. If the

board determines that expedited treatment will not be accorded, the matter will be remanded and processed in accordance with sections 204.2(b) and 204.3 of this Part and Parts 212 and 213 of this Chapter.

(c) If a hearing is held:

(1) Any objections to the conduct of a hearing, including objections to the introduction of evidence, may be oral or written, must be accompanied by a short statement of the grounds for such objection, and shall be included in the record.

(2) There shall be no intermediate report from a board member or an administrative law judge who may be assigned to hold the hearing. Upon the completion of the hearing, such board member or administrative law judge shall transmit the record to the full board for a determination without making any recommendations.