

Procedural Exercises

Using the following formula, determine whether the exceptions in the following exercises have been timely filed.

Date of Service of Award: _____ + **30 Days** (5 C.F.R. §§ 2425.2, 2429.21 & 2429.22) =

_____ (_____). But, if weekend or holiday, then _____.

(5 C.F.R. § 2429.21(a)). If service by mail or commercial delivery, then + 5 days (5 C.F.R. §§ 2425.2 &

2429.22) = _____ (_____). But, if weekend or holiday, then

_____. (5 C.F.R. § 2429.21(a)).

Exercise 1

The Arbitrator serves his award on the parties by an **e-mail** transmitted to the parties on November 1, 2010. The Union files exceptions on December 2, 2010. Are the Union's exceptions timely filed?

November 2010							December 2010						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6			1	2	3	4	
7	8	9	10	<u>11</u>	12	13	5	6	7	8	9	10	11
14	15	16	17	18	19	20	12	13	14	15	16	17	18
21	22	23	24	<u>25</u>	26	27	19	20	21	22	23	<u>24</u>	25
28	29	30					26	27	28	29	30	<u>31</u>	

11 = holiday

Date of Service of Award: _____ + **30 Days** (5 C.F.R. §§ 2425.2, 2429.21 & 2429.22) =
 _____ (_____). But, if weekend or holiday, then _____.
 (5 C.F.R. § 2429.21(a)). If service by mail or commercial delivery, then + 5 days (5 C.F.R. §§ 2425.2 &
 2429.22) = _____ (_____). But, if weekend or holiday, then
 _____ . (5 C.F.R. § 2429.21(a)).

Answer: Exercise 1

The exceptions were due on December 1, 2010. As they were not filed until December 2, 2010, they are untimely filed.

Date of Service of Award: November 1, 2010 + **30 Days** (5 C.F.R. §§ 2425.2, 2429.21 & 2429.22) =

December 1, 2010 (Thursday). But, if weekend or holiday, then _____.

(5 C.F.R. § 2429.21(a)). If service by mail or commercial delivery, then + 5 days (5 C.F.R. §§ 2425.2 &

2429.22) = _____ (_____). But, if weekend or holiday, then

_____. (5 C.F.R. § 2429.21(a)).

Exercise 2

The Arbitrator serves his award on the parties by **U.S. mail** on October 12, 2010. The Union files exceptions on November 16, 2010. Are the Union's exceptions timely filed?

October 2010							November 2010						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
					1	2	1	2	3	4	5	6	
3	4	5	6	7	8	9	7	8	9	10	<u>11</u>	12	13
10	<u>11</u>	12	13	14	15	16	14	15	16	17	18	19	20
17	18	19	20	21	22	23	21	22	23	24	<u>25</u>	26	27
24	25	26	27	28	29	30	28	29	30				
31													

11 = holiday

Date of Service of Award: _____ + **30 Days** (5 C.F.R. §§ 2425.2, 2429.21 & 2429.22) =
 _____ (_____). But, if weekend or holiday, then _____.
 (5 C.F.R. § 2429.21(a)). If service by mail or commercial delivery, then + 5 days (5 C.F.R. §§ 2425.2 &
 2429.22) = _____ (_____). But, if weekend or holiday, then
 _____ . (5 C.F.R. § 2429.21(a)).

Answer: Exercise 2

The exceptions are due on November 17, 2010. As they were filed on November 16, 2010, they are timely filed.

Date of Service of Award: October 12, 2010 + **30 Days** (5 C.F.R. §§ 2425.2, 2429.21 & 2429.22) =
November 11, 2010 (Thursday/Holiday - Veterans' Day). But, if weekend or holiday,
then November 12, 2010. (5 C.F.R. § 2429.21(a)). If service by mail or commercial delivery,
then + 5 days (5 C.F.R. §§ 2425.2 & 2429.22) = **November 17, 2010** (Wednesday). But, if weekend
or holiday, then _____ . (5 C.F.R. § 2429.21(a)).