

Dear Board-

With all due respect, I humbly propose the following changes to the proposed regulation:

Section 1201.4(s) defines the term “nonfrivolous allegation.” The word “nonfrivolous” is anachronistic, confusing, and an insidious double-negative. A generally accepted dictionary definition of “frivolous” is “not serious.” Therefore, the word “nonfrivolous” means “not not serious.” The Board should take this opportunity to continue its movement toward plain English in its regulations and replace the word “nonfrivolous” with the more easily understood word that means exactly the same thing: “serious.” These regulations are often used by non-attorney employees and lay union representatives. They should be written so that they are especially easy to understand. There is no reason for using the word “nonfrivolous” as it adds no unique or specialized meaning beyond the more common word “serious.”

The rewritten section should read as follows:

(s) Nonfrivolous (serious) allegation. A nonfrivolous allegation means an allegation that is “serious.” A serious allegation is an assertion that, if proven, could establish the matter at issue. An allegation generally will be considered serious when [continuing as in the proposed change].

Additionally, 1201.4(s)(1) would be more helpful to users if it contained an example of “more than conclusory.” The concept of “conclusory” is difficult to understand for many individuals who would be using these regulations. For example, “I have been removed because of my age.” To some this statement would be conclusory; to others it would be a statement of fact. Adding an example of a conclusory statement and then in comparison an example that is “more than conclusory” would improve this regulation and make it more understandable.

Best regards-

Bill

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