

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



EL MONTE UNION HIGH SCHOOL DISTRICT)
EDUCATION ASSOCIATION/CTA/NEA,)
) Case No. LA-CE-1243
Charging Party,)
) Request for Reconsideration
v.) PERB Decision No. 220
)
EL MONTE UNION HIGH SCHOOL DISTRICT,) PERB Decision No. 220a
)
Respondent.) December 27, 1982
)
_____)

Appearances: Sandra H. Paisley, Attorney for El Monte Union High School District Education Association/CTA/NEA; and David G. Miller, Attorney for El Monte Union High School District.

Before Gluck, Chairperson; Tovar and Morgenstern, Members.

REQUEST FOR RECONSIDERATION

TOVAR, Member: Following the issuance of the Public Employment Relations Board's (PERB or Board) Decision in El Monte Union High School District (6/30/82) PERB Decision No. 220, the Board received a request for reconsideration and a request for a stay of action from the El Monte Union High School District (District), pursuant to PERB rule 32410(a).1

¹PERB rules are codified at California Administrative Code, title 8, sections 31000 et seq. PERB rule 32410(a) provides that:

(a) Any party to a decision of the Board itself may, because of extraordinary circumstances, file a request to reconsider

The El Monte Union High School District Education Association/CTA/NEA, (Association) filed a response to the request.

DECISION AND ORDER

The District argues in its request that the Board has substantially departed from applicable federal precedent by disregarding the Association's agreement not to modify the unit.

PERB rule 32410(a) has been interpreted to permit reconsideration when the Board finds that substantial errors of law or fact have been demonstrated. Bassett Unified School District (3/23/79) PERB Order No. Ad-62.

We have previously explained in Decision No. 220 why the federal law the District relies on is not applicable to the facts here. The District seeks by this request to relitigate the issues. Mere disagreement with our conclusion is insufficient to satisfy the "extraordinary circumstances" requirement in the rule.

the decision with the Board itself within 10 days following the date of service of the decision. The request for reconsideration shall be filed with the Executive Assistant to the Board and shall state with specificity the grounds claimed and, where applicable, shall specify the page of the record relied on. Service and proof of service of the request pursuant to Section 32140 are required. (Exp. 9/20/82) (Emphasis added).

However, the District correctly points out that the Notice to Employees in the Appendix accompanying the Board's decision does not conform to the Board's Order. A preliminary draft of the Notice was mistakenly attached to the issued decision. The Notice appended to the actual signed decision on file at the Board's headquarters, which was the one intended to be circulated to the parties, is attached hereto and replaces the Notice of which the District complains.

The Request for a Stay of Action is DENIED.²

Chairperson Gluck and Member Morgenstern joined in this Decision.

²PERB Rule 32410(c) provides that "The filing of a request for reconsideration shall not operate to stay the effectiveness of a decision of the Board itself unless otherwise ordered by the Board itself."

APPENDIX

NOTICE TO EMPLOYEES
POSTED BY ORDER OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD

An Agency of the State of California

After a hearing in unfair practice case No. LA-CE-1243, in which all parties participated, it has been found that the El Monte Union High School District violated the Educational Employment Relations Act by failing and refusing to negotiate in good faith with the El Monte Union High School District Education Association. As a result, we have been ordered to post this Notice, and we will abide by the following:

- A. CEASE AND DESIST from failing and refusing to meet and negotiate in good faith with the Association regarding summer school and hourly employees;
- B. Upon request, meet and negotiate in good faith with the Association regarding summer school and hourly employees.

Dated:

EL MONTE UNION HIGH SCHOOL DISTRICT

By _____

THIS IS AN OFFICIAL NOTICE. IT MUST REMAIN POSTED FOR AT LEAST THIRTY (30) WORKDAYS FROM THE DATE OF POSTING AND MUST NOT BE REDUCED IN SIZE, DEFACED, ALTERED OR COVERED BY ANY MATERIAL.