

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



CLIFF FRIED, et al. ,)	
)	
Charging Parties,)	Case No. LA-CE-250-H
)	
v.)	Request for Reconsideration
)	PERB Decision No. 829-H
REGENTS OF THE UNIVERSITY OF)	
CALIFORNIA,)	PERB Decision No. 829a-H
)	
Respondent.)	September 19, 1990

Appearance: Cliff Fried, Representative for American Federation of State, County and Municipal Employees.

Before Craib, Camilli and Cunningham, Members.

DECISION

CAMILLI, Member: Cliff Fried (Fried), representative for the charging parties, requests reconsideration of PERB Decision No. 829-H, issued by the Public Employment Relations Board (PERB or Board) on July 24, 1990. Having duly considered the request for reconsideration, the Board itself hereby denies the request for the reasons that follow.

In PERB Decision No. 829-H, the Board affirmed the proposed decision of a PERB Administrative Law Judge (ALJ) which held that the Regents of the University of California did not violate section 3571(a) and (b) of the Higher Education Employer-Employee Relations Act (Act)¹ but, rather, satisfied its obligation under

¹HEERA is codified at Government Code section 3560 et seq. Unless otherwise indicated, all statutory references are to the Government Code. Section 3571 provides, in pertinent part:

the Act to meet and discuss concerning its decision to raise the parking rates at the University of California, Los Angeles campus.

DISCUSSION

PERB Regulation 32410(a)² states, in pertinent part:

Any party to a decision of the Board itself may, because of extraordinary circumstances, file a request to reconsider the decision The grounds for requesting reconsideration are limited to claims that the decision of the Board itself contains prejudicial errors of fact, or newly discovered evidence or law which was not previously available and could not have been discovered with the exercise of reasonable diligence.

The Board has held, based upon PERB Regulation 32410(a), that reconsideration is not appropriate when a party merely restates an argument previously considered and rejected by the Board in its underlying decision. (California Faculty Association (Wang) (1988) PERB Decision No. 692a-H, p. 4; Tustin Unified School District (1987) PERB Decision No. 626a, p. 3;

It shall be unlawful for the higher education employer to do any of the following:

(a) Impose or threaten to impose reprisals on employees, to discriminate or threaten to discriminate against employees, or otherwise to interfere with, restrain, or coerce employees because of their exercise of rights guaranteed by this chapter. For purposes of this subdivision, "employee" includes an applicant for employment or reemployment.

(b) Deny to employee organizations rights guaranteed to them by this chapter.

²PERB Regulations are codified at California Administrative Code, title 8, section 31001 et seq.

Riverside Unified School District (1987) PERB Decision No. 622a, p. 2.)

In his motion for reconsideration, Fried argues that neither the American Federation of State, County and Municipal Employees nor its members were notified or allowed to participate in a bond process which occurred in 1986, which, Fried argues, set the stage for the violations alleged herein. Before the ALJ and in his exceptions to the proposed decision, Fried claimed that the signing of the 1986 bond agreement was illegal, and/or that it precluded the parties from engaging in good faith negotiations in 1989. The arguments raised in this request for reconsideration merely reiterate arguments considered and rejected earlier, and no newly-discovered evidence or law is cited therein. Therefore, the representative for the charging parties has failed to demonstrate extraordinary circumstances warranting reconsideration.

ORDER

There being no proper grounds for reconsideration stated, the request for reconsideration of PERB Decision No. 829-H is hereby DENIED.

Members Craib and Cunningham joined in this Decision.