

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



MARGARITA GONZALEZ,)
)
 Charging Party,) Case No. LA-CO-734
)
 v.) Request for Reconsideration
) PERB Decision No. 1212
 CALIFORNIA SCHOOL EMPLOYEES)
 ASSOCIATION, CHAPTER 413,)
) PERB Decision No. 1212a
 Respondent.)
)
) October 20, 1997

Appearance: Margarita Gonzalez, on her own behalf.
Before Caffrey, Chairman; Johnson and Dyer, Members.

DECISION

CAFFREY, Chairman: This case is before the Public Employment Relations Board (PERB or Board) on a request by Margarita Gonzalez (Gonzalez) that the Board accept her late filed request for reconsideration of California School Employees Association, Chapter 413 (Gonzalez) (1997) PERB Decision No. 1212 (CSEA (Gonzalez)). In CSEA (Gonzalez), the Board dismissed Gonzalez' unfair practice charge which alleged that the California School Employees Association, Chapter 413 denied her the right to fair representation guaranteed by the Educational Employment Relations Act (EERA) section 3544.9 and thereby violated section 3543.6(b).¹

¹EERA is codified at Government Code section 3540 et seq. Section 3544.9 states:

The employee organization recognized or certified as the exclusive representative for the purpose of meeting and negotiating shall fairly represent each and every employee in

CSEA (Gonzalez) was issued on June 24, 1997.² PERB

Regulation 32410³ states, in pertinent part:

(a) Any party to a decision of the Board itself may, because of extraordinary circumstances, file a request to reconsider the decision within 20 days following the date of service of the decision.

Gonzalez' request for reconsideration of CSEA (Gonzalez) was filed on September 2, 70 days following the date of service of CSEA (Gonzalez).

PERB Regulation 32136 states, in pertinent part:

A late filing may be excused in the discretion of the Board for good cause only.

Gonzalez provides no explanation for the late filing of her request for reconsideration. Where a party fails to provide any explanation to excuse a late filing, the Board is precluded from finding that good cause exists. (Sonoma County Office of Education (1992) PERB Order No. Ad-230; California Faculty

the appropriate unit.

Section 3543.6 states, in pertinent part:

It shall be unlawful for an employee organization to:

(b) 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.

²All dates refer to 1997.

³PERB regulations are codified at California Code of Regulations, title 8, section 31001 et seq.

Association (Gregg) (1995) PERB Order No. Ad-271-H.)

Accordingly, the Board finds that good cause does not exist to excuse Gonzalez' late filing.

ORDER

Margarita Gonzalez' request that the Board accept her late filed request for reconsideration of the Board's decision in California School Employees Association, Chapter 413 (Gonzalez) (1997) PERB Decision No. 1212 is hereby DENIED.

Members Johnson and Dyer joined in this Decision.