STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD

REGENTS OF THE UNIVERSITY OF CALIFORNIA,	)	
Employer,	)	Case No. SF-M-677-H
v.	)	Request for Reconsideration PERB Order No. Ad-129-H
STATEWIDE UNIVERSITY POLICE ASSOCIATION,	)	PERB Order No. Ad-129a-H
Respondent.	)	August 9, 1982

Appearance: Robert A. Jones for the Statewide University Police Association.

Before Gluck, Chairperson; Morgenstern and Jensen, Members.

DECISION

On June 23, 1982, the Public Employment Relations Board (PERB or Board) issued its decision in Regents of the University of California (6/23/82) PERB Order No. Ad-129-H in which it held that the regional director had erroneously concluded that the University of California (University) and the Statewide University Police Association (SUPA) were at impasse. The Board concluded that the regional director failed to address allegations raised by the University which, if uncontroverted, would preclude a finding that the parties were at impasse. Since the Board found no evidence in its files which served to refute or otherwise discredit the University's assertions, it ordered the parties to resume negotiations without further delay.

In its request for reconsideration,[1] SUPA now asserts that the Board failed to review various documents which do contest the University's accusations. While SUPA's response to the University's appeal of the impasse declaration was a general denial, it contested the fact that the signator of the administrative appeal had direct knowledge of allegations he made regarding the parties' negotiating conduct. The Board considered a declaration thereafter submitted by Thomas Mannix to substantiate the University's claims but overlooked, through administrative oversight, certain subsequent submissions that SUPA sent to the Board.

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[1]PERB rules are codified at California Administrative Code, title 8, section 31000 et seq. Section 32410(a) sets forth the rule regarding requests for reconsideration. It provides:

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

At this juncture, the Board is confronted with documents from both parties which are in significant conflict as to the factual circumstances preceding the impasse declaration. Because resolution of these divergent allegations raises issues of the parties' credibility, we find it is most appropriate to remand this case to the regional director who will, in accordance with applicable Board precedent,[2] render a determination as to the existence of a genuine impasse.[3]

ORDER

In accordance with the above decision, the Board remands this case to the regional director and ORDERS that a determination of impasse be ascertained.

By: Marty Morgenstern, Member

Harry Gluck, Chairperson

Virgil Jensen, Member

[2]See Mt. San Antonio Community College District (12/30/81) PERB Order No. Ad-124 and Marin Community College District (4/21/82) PERB Order No. Ad-126.

[3]In light of this conclusion, the Board finds it is unnecessary to consider the University's motion to permit a late filing of its response to SUPA's request for reconsideration.