

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



CALIFORNIA STATE EMPLOYEES' ASSOCIATION,)	
)	
Charging Party,)	Case No. SF-CE-20-H
)	
v.)	Request for Reconsideration
)	PERB Decision No. 308-H
THE REGENTS OF THE UNIVERSITY OF CALIFORNIA (BERKELEY),)	
)	PERB Decision No. 308a-H
Respondent.)	
)	June 29, 1984

Appearances; Philip E. Callis, Attorney for California State Employees' Association; Gerald A. Becker, Attorney for The Regents of the University of California.

Before Hesse, Chairperson; Morgenstern and Burt, Members.

DECISION

MORGENSTERN, Member: The Public Employment Relations Board (PERB or Board), having duly considered the request for reconsideration¹ filed by the California State Employees' Association (CSEA), hereby denies that request.

¹PERB Rules are codified at California Administrative Code, title 8, section 31001 et seq. PERB rule 32410(a) provides:

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.

DISCUSSION

In the underlying decision, the Board held that the Regents of the

of California (University) did not violate provisions of the Higher Education Employer-Employee Relations Act (HEERA)² by refusing to permit an employee utilizing the grievance or administrative review procedures to be accompanied by more than one representative. The Board held that the record failed to demonstrate that the University's one-representative rule caused harm to individual employees, was inherently destructive of HEERA, or tended to harm protected rights.

In its reconsideration request, CSEA merely reargues the factual and legal conclusions it unsuccessfully asserted in the underlying case. Such previously addressed contentions fail to demonstrate the necessary extraordinary circumstances. Rio Hondo Community College District (5/16/83) PERB Decision No. 279a; Oakland Unified School District (12/31/82) PERB Decision No. 236a; Redlands Unified School District (11/15/82) PERB Decision No. 235a; Livermore Valley Joint Unified School District (10/21/81) PERB Order No. JR-9. Accordingly, CSEA's request for reconsideration is denied.

²HEERA is codified at Government Code section 3560 et seq.

ORDER

The Board DENIES the request for reconsideration of PERB Decision No. 308-H.

Chairperson Hesse and Member Burt joined in this Decision.