

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



HOWARD O. WATTS,)
)
 Complainant,) Case No. LA-PN-116
)
 v.) Request for Reconsideration
) PERB Decision No. 908
 LOS ANGELES COMMUNITY COLLEGE)
 DISTRICT,)
) PERB Decision No. 908a
 Respondent.)
)
) January 3, 1992

Appearance; Howard O. Watts, on his own behalf.

Before Hesse, Chairperson; Shank and Camilli, Members.

DECISION

HESSE, Chairperson: This case is before the Public Employment Relations Board (PERB or Board) on a request for reconsideration filed by Howard O. Watts (Watts) of PERB Decision No. 908, which issued on October 24, 1991. Having duly considered the request for reconsideration, the Board denies the request for the reasons that follow.

In PERB Decision No. 908, the Board affirmed the dismissal by a Board agent of Watts' complaint against the Los Angeles Community College District (District) which alleged that the District violated the Educational Employment Relations Act (EERA) section 3547(a) and (b)¹ by amending its initial proposal and

¹EERA is codified at Government Code section 3540 et seq. Unless otherwise indicated, all statutory references herein are to the Government Code. EERA section 3547(a) and (b) state:

(a) All initial proposals of exclusive representatives and of public school employers, which relate to matters within the

failing to indicate on the agenda that the initial proposal had been amended.

DISCUSSION

PERB Regulation 32410(a) 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.

In his request for reconsideration, Watts argues that the Board does not "know the difference between a multiple agenda speaking and a public notice of the amendment speaking time." Further, Watts asserts that the amendment of the initial proposal was not properly noticed under past PERB decisions.

Reconsideration is not appropriate when a party restates an argument which was considered and rejected by the Board in its underlying decision. (Tustin Unified School District (1987) PERB

scope of representation, shall be presented at a public meeting of the public school employer and thereafter shall be public records.

(b) Meeting and negotiating shall not take place on any proposal until a reasonable time has elapsed after the submission of the proposal to enable the public to become informed and the public has the opportunity to express itself regarding the proposal at a meeting of the public school employer.

Decision No. 626a, p. 3.) Here, Watts merely reargues that the District failed to properly notice the amended initial proposal. These arguments were properly rejected by the Board in the underlying decision. No newly discovered evidence or law is cited in conjunction with these allegations. Accordingly, Watts 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. 908 is hereby DENIED.

Members Shank and Camilli joined in this Decision.