

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



MARILYN MITCHELL,)
) Case No. S-CO-140-S
 Charging Party,)
) Request for Reconsideration
 v.) PERB Decision No. 969-S
)
 CALIFORNIA STATE EMPLOYEES) PERB Decision No. 969a-S
 ASSOCIATION,)
)
 Respondent.) April 27, 1993
)
 _____)

Appearance: Marilyn Mitchell, on her own behalf.

Before Blair, Chair; Caffrey and Carlyle, Members.

DECISION

CAFFREY, Member: This case is before the Public Employment Relations Board (PERB or Board) on a request for reconsideration filed by Marilyn Mitchell (Mitchell) of the Board's decision in California State Employees Association (Mitchell) (1993) PERB Decision No. 969-S. In that decision the Board denied Mitchell's appeal of a Board agent's dismissal of her unfair practice charge on the grounds that she had failed to state a prima facie case of a violation of section 3519.5(b) of the Ralph C. Dills Act (Dills Act)¹ by the California State Employees Association (CSEA).

¹The Dills Act is codified at Government Code section 3512 et seq. Section 3519.5 states, in pertinent part:

(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.

In her request for reconsideration, Mitchell asserts that the Board did not comprehensively or conscientiously deal with her appeal of the dismissal of her unfair practice charge. Mitchell further suggests that PERB improperly assisted CSEA by providing it with documents which were attached to the charge she filed with PERB, and that CSEA relied on this information in taking independent legal action against her.

DISCUSSION

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

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.

Mitchell's assertions that the Board failed to carefully consider her appeal are without merit. The Board thoroughly considered the allegations in her charge and the appeal of its dismissal. Despite Mitchell's voluminous filings (over 600 pages), her original and amended charges, and her appeal of the dismissal of those charges, simply fail to state a prima facie case of a Dills Act violation. In Mitchell's current request, she has failed to cite any newly discovered evidence or law which would justify reconsideration by the Board.

Mitchell also suggests that PERB improperly provided CSEA with documents which were attached to the charge she filed with

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

PERB. However, PERB Regulation 32615 requires a charging party to serve a copy of the charge and supporting documents on the respondent. As Mitchell herself was required to provide CSEA with the documents related to her charge, her contention that PERB improperly released information is without merit.

ORDER

The request for reconsideration in PERB Decision No. 969-S is hereby DENIED.

Chair Blair and Member Carlyle joined in this Decision.