

CSEA retaliated against her and refused to grant a hearing on her suspension in response to filing an unfair labor practice charge with the Board.

In its request for reconsideration, which is opposed by Garcia, CSEA provides copies of memos allegedly showing that a hearing panel had been selected for Garcia and that the charge leading to Garcia's suspension had been withdrawn.

DISCUSSION

PERB Regulation 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 of law which was not previously available and could not have been discovered with the exercise of reasonable diligence.

CSEA admits the evidence it submits in its reconsideration request was located within its own files. As CSEA had access to this material when this case was before the Board agent and the Board, the evidence presented in its reconsideration request cannot be classified as newly discovered evidence which was not previously available and could not have been discovered with the exercise of reasonable diligence.

Based upon the foregoing, CSEA has failed to demonstrate sufficient grounds for its reconsideration request.

employees because of their exercise of rights guaranteed by this chapter.

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

ORDER

The request for reconsideration of California State Employees Association (Garcia) (1993) PERB Decision No. 1014-S is hereby DENIED.

Members Caffrey and Garcia joined in this Decision.