

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



ELISA MARIA LEPTICH,)
)
 Charging Party,) Case No. SF-CE-1725
)
 v.) Request for Reconsideration
) PERB Decision No. 1081
 SAN FRANCISCO COMMUNITY COLLEGE)
 DISTRICT,) PERB Decision No. 1081a
)
 Respondent.) May 5, 1995
 _____)

Appearance; Elisa Maria Leptich, on her own behalf.

Before Blair, Chair; Carlyle and Johnson, Members.

DECISION

CARLYLE, Member: This case is before the Public Employment Relations Board (PERB or Board) on a request by Elisa Maria Leptich (Leptich) for reconsideration of the Board's decision in San Francisco Community College District (Leptich) (1995) PERB Decision No. 1081.

PERB Regulation 32410(a)¹ states:

Any party to a decision of the Board itself may, because of extraordinary circumstances, file a request to reconsider the decision within 20 days following the date of service of the decision. An original and 5 copies of the request for reconsideration shall be filed with the Board itself in the headquarters office 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. The grounds for requesting reconsideration are limited to

¹PERB regulations are codified at California Code of Regulations, title 8, section 31001 et seq.

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. [Emphasis added.]

The request for reconsideration fails to comply with Regulation 32410(a) because it does not state extraordinary circumstances, nor does it state with specificity the grounds claimed. Leptich's appeal was properly rejected by the Board in the underlying decision.

ORDER

The request for reconsideration of San Francisco Community College District (Leptich) (1995) PERB Decision No. 1081 is hereby DENIED.²

Chair Blair and Member Johnson joined in this Decision.

²The request for reconsideration also contained a request for judicial review. Since a request for the Board to join in a request for judicial review is limited to review of a unit determination with certain exceptions not present in this case, this particular request would appear to be a petition for a writ of extraordinary relief and is thus covered by the Educational Employment Relations Act, Government Code section 3542(b) which states:

Any charging party, respondent, or intervenor aggrieved by a final decision or order of the board in an unfair practice case, except a decision of the board not to issue a complaint in such a case, may petition for a writ of extraordinary relief from such decision or order. [Emphasis added.]