

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



In the Matter of the Request for Reconsideration)
)
BASSETT UNIFIED SCHOOL DISTRICT,)
)
Employer, APPELLANT,)
)
and)
)
BASSETT EDUCATORS ASSOCIATION,) Case No. LA-R-587
CTA/NEA,)
) PERB Order No. Ad-62
Employee Organization,)
APPELLANT,)
) Administrative Appeal
and)
) March 23, 1979
BASSETT FEDERATION OF TEACHERS,)
AFT LOCAL 727, AFL-CIO,)
)
Employee Organization.)
)
)
)

Appearances: Richard N. Fisher, Attorney (O'Melveny & Myers) for Bassett Unified School District; Charles R. Gustafson, Attorney for Bassett Educators Association, CTA/NEA; Lawrence Rosenzweig, Attorney (Levy, Koszdin, Goldschmid & Sroloff) for Bassett Federation of Teachers, AFT Local 727, AFL-CIO.

Before: Gluck, Chairperson; Gonzales and Moore, Members.

DECISION AND ORDER

The Bassett Unified School District (hereafter District) and the Bassett Educators Association, CTA/NEA (hereafter CTA) have joined in requesting that the Public Employment Relations Board (hereafter PERB or Board) reconsider its decision in Bassett Unified School District (1/30/79) PERB Order No. Ad-57. There, the Board, by majority vote, found that a

negotiated agreement between the District and CTA, stated to be for a three-year period expiring June 30, 1980, actually had expired on June 30, 1978.

The Bassett Federation of Teachers, AFT Local 727, AFL-CIO (hereafter AFT) filed a decertification petition in the Bassett Unified School District on April 3, 1978. The PERB regional director dismissed the petition on the ground that the contract between CTA and the District was for three years and therefore barred the filing of the decertification petition. AFT's appeal from the dismissal of its petition led to the Board decision referred to above.

Board rule 32410¹ provides that a request for reconsideration shall be based on extraordinary circumstances.

¹California Administrative Code, title 8, section 32410 states:

Any party to a decision of the Board itself may because of extraordinary circumstances file a request to reconsider the decision with the Board itself within seven calendar days following the date of service of the decision. The party shall state with specificity the grounds claimed and where applicable shall specify the page of the record relied upon. A copy of the request must have been actually served upon each party of record prior to filing the request and a statement of such service shall accompany the request. Any party shall have five calendar days from actual service to file a response with the Board itself. "Actual service" as used in this section means actual receipt by the party or their agent. The filing of a request for reconsideration shall not operate to stay the effectiveness of a decision of the Board itself unless otherwise ordered by the Board itself.

Substantial errors of law or fact constitute grounds for reconsideration.² One basis for the request for reconsideration is an alleged error by the Board in calculating the deadline for filing the decertification petition. The Board considers the matter of filing time requirements critical and therefore grants the request for reconsideration.

Public Employment Relations Board

Per Curiam

²⁴ Witkin, Cal Procedure (2d ed. 1971), sec. 597, pp. 4525, 4526, citing In re Jessup (1889) 81 Cal. 408; San Francisco v. Pacific Bank (1891) 89 Cal. 23.