

including the evidence that the District conditioned its participation in mediation on the Association's withdrawing certain unfair practice charges and its cancellation of the contract extension in retaliation against the Association for having filed charges.

By stipulation of the parties, the only issue in Decision No. 178 was whether the District acted unlawfully with respect to the layoff proposal. Thus, while the mediation and contract cancellation incidents may have been unfair practices, they were found not to be controlling in the face of other evidence concerning the District's negotiating behavior. As we pointed out in the underlying decision, the District's explanation of its position on the disputed proposal was "legitimate and, in the main, reasonable." When considered together with the fact that agreement had been reached on 75 percent of the provisions for a new contract before the layoff proposal was made, the Board found no basis for upholding the charge.

ORDER

Having shown no "extraordinary circumstances" within the meaning of PERB rule 32410¹, the Oakland School Employees

¹PERB rules and regulations are codified at California Administrative Code, title 8, section 31000 et seq.

Section 32410(a) states:

Any party to a decision of the Board itself may, because of extraordinary circumstances, file a request to reconsider the decision

Association's request for reconsideration is DENIED.

PER CURIAM

with the Board itself within 10 days following the date of service of the decision. The request for reconsideration shall be filed with the Executive Assistant to the Board 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.