

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



PHILIP A. KOK,)
)
 Charging Party,) Case No. LA-CE-3822
)
) Request for Reconsideration
 v.) PERB Decision No. 1303
)
 COACHELLA VALLEY UNIFIED SCHOOL) PERB Decision No. 1303a
 DISTRICT,)
) March 11, 1999
 Respondent.)
 _____)

Appearances: Philip A. Kok, on his own behalf; Atkinson, Andelson, Loya, Ruud & Romo by Sherry G. Gordon, Attorney, for Coachella Valley Unified School District.

Before Caffrey, Chairman; Dyer and Amador, Members.

DECISION

CAFFREY, Chairman: This case is before the Public Employment Relations Board (PERB or Board) on a request by Philip A. Kok (Kok) that the Board reconsider its decision in Coachella Valley Unified School District (1998) PERB Decision No. 1303 (Coachella VUSD). In Coachella VUSD, the Board denied Kok's appeal of a Board agent's dismissal of his unfair practice charge and concluded that the Coachella Valley Unified School District did not violate the Educational Employment Relations Act (EERA)¹ by failing to process a grievance to arbitration and by retaliating against him for his participation in protected activities.

¹EERA is codified at Government Code section 3540 et seq.

DISCUSSION

PERB Regulation 32410² permits any party to a decision of the Board itself to request the Board to reconsider that decision. It 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.

The Board has strictly applied these limited grounds in considering reconsideration requests specifically to avoid the use of the reconsideration process to reargue or relitigate issues which have already been decided. (Redwoods Community College District (1994) PERB Decision No. 1047a; State of California (Department of Corrections) (1995) PERB Decision No. 1100a-S.) Similarly, reconsideration will not be granted based on a claim of an alleged prejudicial error of law. (Jamestown Elementary School District (1989) PERB Order No. Ad-187a.) In numerous request for reconsideration cases, the Board has declined to reconsider matters previously offered by the parties and rejected in the underlying decision. (California State University (1995) PERB Decision No. 1093a-H; California State Employees Association, Local 1000 (Janowicz) (1994) PERB Decision No. 1043a-S; California Faculty Association (Wang)

²PERB regulations are codified at California Code of Regulations, title 8, section 31001 et seq. A revision to PERB Regulation 32410 became effective in February 1999 subsequent to the filing of this request for reconsideration. The revision has no bearing on the Board's consideration of this request.

(1988) PERB Decision No. 692a-H; Tustin Unified School District
(1987) PERB Decision No. 626a; Riverside Unified School District
(1987) PERB Decision No. 622a.)

On January 5, 1999, Kok filed the instant request seeking reconsideration of the Board's decision in Coachella VUSD. Kok makes no assertions that the Board's decision contains prejudicial errors of fact, or that he has found newly discovered evidence or law. (Regents of the University of California (1998) PERB Decision No. 1271-H at p. 3.) All of the relevant information included in this reconsideration request was included in the appeal in the underlying case, and has already been considered by the Board. Therefore, Kok's request fails to demonstrate grounds for reconsideration sufficient to comply with PERB Regulation 32410.

ORDER

The request for reconsideration in Coachella Valley Unified School District (1998) PERB Decision No. 1303 is hereby DENIED.

Members Dyer and Amador joined in this Decision.