

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



JEFFEREY L. NORMAN,

Charging Party,

v.

JURUPA UNIFIED SCHOOL DISTRICT,

Respondent.

Case Nos. LA-CE-5593-E
LA-CE-5744-E

Request for Reconsideration
PERB Decision No. 2450

PERB Decision No. 2450a

December 22, 2015

Appearances: Jefferey L. Norman, on his own behalf; Fagen, Friedman & Fulfrost by Kerrie E. McNally, Attorney, for Jurupa Unified School District.

Before Huguenin, Winslow and Banks, Members.

DECISION

WINSLOW, Member: This case comes before the Public Employment Relations Board (PERB or Board) on request for reconsideration by Jefferey L. Norman (Norman) of the Board's decision in *Jurupa Unified School District* (2015) PERB Decision No. 2450. In that decision, the Board affirmed an administrative law judge's dismissal of charges alleging that the Jurupa Unified School District (District) violated section 3543.5(a) of the Educational Employment Relations Act (EERA)¹ by discriminating and retaliating against Norman because of his protected activity when it denied him personal necessity leave (Case No. LA-CE-5593-E) and terminated his employment (Case No. LA-CE-5744-E).

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

The Board has reviewed Norman's request for reconsideration and supporting documentation and the District's response thereto. Based on this review, the Board denies Norman's request for reconsideration for the reasons discussed below.

DISCUSSION

Requests for reconsideration of a final Board decision are governed by PERB Regulation 32410(a) which states:

(a) 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 five 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 claims that: (1) the decision of the Board itself contains prejudicial errors of fact, or (2) the party has newly discovered evidence which was not previously available and could not have been discovered with the exercise of reasonable diligence. A request for reconsideration based upon the discovery of new evidence must be supported by a declaration under the penalty of perjury which establishes that the evidence: (1) was not previously available; (2) could not have been discovered prior to the hearing with the exercise of reasonable diligence; (3) was submitted within a reasonable time of its discovery; (4) is relevant to the issues sought to be reconsidered; and (5) impacts or alters the decision of the previously decided case.

Because reconsideration may only be granted under the "extraordinary circumstances" specified above, the Board applies the regulation's criteria strictly in reviewing requests for reconsideration. (*Regents of the University of California* (2000) PERB Decision No. 1354a-H; *King City Joint Union High School District* (2007) PERB Decision No. 1777a, pp. 3-4.) Reiterating the same facts and arguments made on appeal does not satisfy the requirements of PERB Regulation 32410(a). (*San Leandro Unified School District* (2007) PERB Decision

No. 1924a; *Oakland Unified School District* (2004) PERB Decision No. 1645a.) Purported errors of law are not grounds for reconsideration. (*California State Employees Association (Hard, et al.)* (2002) PERB Decision No. 1479a-S, p. 6; *Apple Valley Unified School District* (1990) PERB Order No. Ad-209a.)

In his request for reconsideration, Norman simply reiterates the same facts and arguments made on appeal of the original proposed decision,² and he fails to show that the Board made a prejudicial error of fact in its decision. Norman also suggests the Board has made various errors of law, which may not serve as grounds for reconsideration. We therefore deny Norman's request for reconsideration.

ORDER

Jefferey L. Norman's request for reconsideration of the Public Employment Relations Board's decision in *Jurupa Unified School District* (2015) PERB Decision No. 2450 is hereby DENIED.

Members Huguenin and Banks joined in this Decision.

² Specifically, Norman reiterates his allegations, among others, that the District and Assistant Superintendent of Human Resources Tamara Elzig harbored bias towards him based on his protected activity, treated him disparately because of such bias, wrongfully withheld documentary evidence from him during its investigation of him, refused to provide such information to him after he requested it, gave inconsistent or contradictory justifications for its adverse actions against him, and conducted a cursory investigation of his misconduct.