

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



ASSOCIATION OF SONOMA COUNTY)
OFFICE OF EDUCATION, CTA/NEA,)
Charging Party,) Case No. SF-CE-1449
v.) Request for Reconsideration
SONOMA COUNTY OFFICE OF EDUCATION,) PERB Order No. Ad-230
Respondent.) PERB Order No. Ad-230a
May 22, 1992

Appearances: California Teachers Association by Ramon E. Romero, Attorney, for Association of Sonoma County Office of Education, CTA/NEA; School and College Legal Services by Margaret M. Merchat, Attorney, for Sonoma County Office of Education.

Before Hesse, Chairperson; Camilli and Caffrey, Members.

DECISION

CAFFREY, Member: This case is before the Public Employment Relations Board (PERB or Board) on a request for reconsideration filed by the Sonoma County Office of Education (SCOE) of the Board's decision in Sonoma County Office of Education (1992) PERB Order No. Ad-230. In that decision, the Board denied SCOE's appeal of the PERB appeals assistant's rejection of SCOE's exceptions in Case No. SF-CE-1449 as untimely filed.

DISCUSSION

SCOE's exceptions in Case No. SF-CE-1449 were filed in the wrong PERB office and received after the filing deadline. In its appeal of the PERB appeals assistant's rejection of its exceptions as untimely, SCOE addressed the issue of filing with the wrong PERB office, but failed to provide good cause as to why

its exceptions were filed after the filing deadline. As a result, the Board denied SCOE's appeal in PERB Order No. Ad-230.

PERB Regulation 32410(a)¹ states, in pertinent part:

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. . . . 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.

SCOE bases its request for reconsideration on the grounds that the January 22, 1992 letter in which the PERB appeals assistant rejected SCOE's exceptions as untimely filed, emphasized the failure to file in the proper PERB office, and not the fact that the exceptions were filed after the filing deadline. SCOE asserts that "this constitutes extraordinary circumstances under which our request for reconsideration by the Board may be granted." SCOE then explains that an oversight by an inexperienced secretary and a "very hectic schedule" combined to result in the late filing.

The January 22, 1992 letter from the PERB appeals assistant clearly describes the deficiencies with SCOE's filing:

Exceptions in Case No. SF-CE-1449 were due to be filed in the Sacramento Headquarters office of PERB by Thursday, January 16, 1992

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

after a one-day extension of time had been granted. Respondent's exceptions and brief were addressed and filed with the PERB San Francisco office on January 17, 1992.

Accordingly, SCOE's assertion that the appeals assistant's letter was unclear, constituting extraordinary circumstances resulting in SCOE's failure to address the issue of the date its exceptions were filed, is without merit.

Furthermore, SCOE alleges no prejudicial error of fact in the Board decision, nor does it assert that there is new evidence or law which "could not have been discovered with the exercise of reasonable diligence." Accordingly, SCOE has failed to demonstrate appropriate grounds under which the Board may consider its request for reconsideration.

ORDER

The request for reconsideration of PERB Order No. Ad-230 is hereby DENIED.

Chairperson Hesse and Member Camilli joined in this Decision.