

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



SAN DIEGO METROPOLITAN TRANSIT
SYSTEM,

Employer,

and

TRANSIT ELECTROMECHANICS UNION,

Petitioner,

and

PUBLIC TRANSIT EMPLOYEES
ASSOCIATION,

Exclusive Representative.

SMCS Case No. 17-3-137

Case No. LA-PC-16-M¹

Request for Reconsideration
PERB Decision No. 2667-P

PERB Decision No. 2667a-P

November 7, 2019

Appearances: Paul, Plevin, Sullivan & Connaughton by J. Rod Betts and Camille L. Gustafson, Attorneys, for San Diego Metropolitan Transit System; Juan G. Gonzalez, President, for Transit Electromechanics Union.

Before Banks, Shiners, and Paulson, Members.

DECISION

SHINERS, Member: This case is before the Public Employment Relations Board (PERB or Board) on Petitioner Transit Electromechanics Union's (TEU) request for reconsideration of the Board's decision in *San Diego Metropolitan Transit System* (2019) PERB Decision No. 2667-P. In that decision, the Board denied TEU's petition to sever a group of skilled craft workers from the general bargaining unit of the light rail component of the San Diego Metropolitan Transit System.

¹ As a result of programming changes, in future cases involving transit employers covered by the Public Utilities Code, PERB will designate the case numbers using the letter "P" in place of the letter "M".

Under PERB Regulations, the grounds for requesting reconsideration of a final Board decision 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.” (PERB Reg. 32410, subd. (a).)² A party may not use the reconsideration process to register its disagreement with the Board’s legal analysis, to re-litigate issues that have already been decided, or simply to ask the Board to “try again.” (*Jurupa Unified School District* (2015) PERB Decision No. 2450a, p. 3; *Chula Vista Elementary School District* (2004) PERB Decision No. 1557a, p. 2; *Redwoods Community College District* (1994) PERB Decision No. 1047a, pp. 2-3.)

TEU does not identify any prejudicial errors of fact in the underlying Board decision, nor does it present newly discovered evidence. Instead, TEU’s request consists entirely of arguments challenging the Board’s legal analysis and conclusions in the underlying decision. Because TEU has not established a basis for reconsideration under PERB Regulation 32410, subdivision (a), its request must be denied.

ORDER

Transit Electromechanics Union’s request for reconsideration of the Public Employment Relations Board’s decision in *San Diego Metropolitan Transit System* (2019) PERB Decision No. 2667-P is DENIED.

Members Banks and Paulson joined in this Decision.

² PERB Regulations are codified at California Code of Regulations, title 8, section 31001 et seq.