

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



ELIZABETH KISZELY,)
)
 Charging Party,) Case No. LA-CE-3837
)
 v.) Request for Reconsideration
) PERB Decision No. 1268
 NORTH ORANGE COUNTY COMMUNITY)
 COLLEGE DISTRICT,) PERB Decision No. 1268a
)
 Respondent.) August 14, 1998
 _____)

Appearances: Elizabeth Kiszely, on her own behalf; Parker, Covert & Chidester by Margaret A. Chidester, Attorney, for North Orange County Community College 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 Elizabeth Kiszely (Kiszely) that the Board reconsider its decision in North Orange County Community College District (1998) PERB Decision No. 1268. In that case, the Board dismissed Kiszely's charge that the North Orange County Community College District violated the Educational Employment Relations Act (EERA)¹ by retaliating against her for her participation in protected activities.

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

DISCUSSION

PERB Regulation 32410(a)² permits any party to a decision of the Board itself, "because of extraordinary circumstances," 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.

In considering requests for reconsideration, the Board has strictly applied the limited grounds included in PERB Regulation 32410 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 Decision No. Ad-187a.) In numerous requests 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,

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

Local 1000 (Janowicz) (1994) PERB Decision No. 1043a-S;
California Faculty Association (Wang) (1988) PERB Decision
No. 692a-H; Tustin Unified School District (1987) PERB Decision
No. 626a; Riverside Unified School District (1987) PERB Decision
No. 622a.)

Kiszely filed the instant request for reconsideration of the Board's decision in North Orange County Community College District, supra, PERB Decision No. 1268 on July 13, 1998. Kiszely's request refers primarily to matters previously considered in the underlying decision, and does not demonstrate that the Board's decision contains prejudicial errors of fact. The request presents no new evidence which could not have been discovered with the exercise of reasonable diligence. Consequently, Kiszely's request for reconsideration does not describe extraordinary circumstances and fails to demonstrate grounds sufficient to comply with PERB Regulation 32410.

ORDER

The request for reconsideration in North Orange County Community College District (1998) PERB Decision No. 1268 is hereby DENIED.

Members Dyer and Amador joined in the Decision.