

STATE OF CALIFORNIA  
DECISION OF THE  
PUBLIC EMPLOYMENT RELATIONS BOARD



CESSALY D. HUTCHINSON, )  
 )  
 Charging Party, ) Case No. SF-CO-39-S  
 )  
 v. ) Request for Reconsideration  
 ) PERB Decision No. 1355-S  
 CALIFORNIA STATE EMPLOYEES )  
 ASSOCIATION, ) PERB Decision No. 1355a-S  
 )  
 Respondent. ) December 21, 1999  
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Appearance; Cessaly D. Hutchinson, on her own behalf.

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 Cessaly D. Hutchinson (Hutchinson) that the Board reconsider its decision in California State Employees Association (Hutchinson) (1999) PERB Decision No. 1355-S (CSEA (Hutchinson)). In CSEA (Hutchinson), the Board dismissed Hutchinson's unfair practice charge which alleged that the California State Employees Association violated section 3519.5(a) and (b) of the Ralph C. Dills Act (Dills Act)<sup>1</sup> by breaching its duty of fair

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<sup>1</sup>The Dills Act is codified at Government Code section 3512 et seq. Section 3519.5 states, in pertinent part:

It shall be unlawful for an employee organization to:

(a) Cause or attempt to cause the state to violate Section 3519.

(b) Impose or threaten to impose reprisals on employees, to discriminate or threaten to

representation to her and by causing the State of California (Department of Transportation) to terminate her employment.

#### DISCUSSION

PERB Regulation 32410(a)<sup>2</sup> permits any party to a decision of the Board itself, "because of extraordinary circumstances," to request that the Board reconsider its decision. Regulation 32410(a) states, in pertinent part:

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.

In considering requests for reconsideration, the Board has strictly applied the limited grounds described in PERB Regulation 32410 to avoid the use of the reconsideration process to relitigate issues which have already been decided. (Redwoods Community College District (1994) PERB Decision No. 1047a; Madera County Office of Education (1999) PERB Decision No. 1334a.)

In her request for reconsideration, Hutchinson does not claim that the Board's decision contains prejudicial error of fact, or that she has discovered new evidence. Consequently, Hutchinson's request for reconsideration fails to demonstrate grounds sufficient to comply with PERB Regulation 32410.

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discriminate against employees, or otherwise to interfere with, restrain, or coerce employees because of their exercise of rights guaranteed by this chapter.

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

ORDER

The request for reconsideration in California State Employees Association (Hutchinson) (1999) PERB Decision No. 1355-S is hereby DENIED.

Members Dyer and Amador joined in this Decision.