

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



CALIFORNIA STATE UNIVERSITY,)
)
Employer,) Case No. LA-M-1890-H
)
and) Request for Reconsideration
) PERB Order No. Ad-177-H
)
CALIFORNIA FACULTY ASSOCIATION,) PERB Order No. Ad-177a-H
)
Exclusive Representative.) February 15, 1989
_____)

Appearances: Reich, Adell & Crost by Glenn Rothner, Attorney, for the California Faculty Association; William B. Haughton, Attorney, for the California State University.

Before Hesse, Chairperson; Craib and Shank, Members.

DECISION

SHANK, Member: California Faculty Association (CFA) requests reconsideration of PERB Order No. Ad-177-H issued December 16, 1988. In that Order, the Public Employment Relations Board (PERB or Board) affirmed an administrative determination by a PERB regional director finding that the parties reached an impasse in meeting and conferring on parking fees.

DISCUSSION

PERB Regulation 32410(a)¹ 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.

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

In its request for reconsideration, CFA asserts that the Board Order contains prejudicial errors of fact. CFA then proceeds to restate its argument previously considered and rejected in the earlier appeal.

On numerous occasions, the Board has held that the mere restating of arguments previously considered and rejected by the Board in the underlying decision does not constitute a proper ground for reconsideration. (See, e.g., Riverside Unified School District (1986) PERB Decision No. 562a; Rio Hondo Community College District (1983) PERB Decision No. 279a.) As CFA raises no new issues of fact or law, but merely restates arguments made in its appeal of the administrative determination, reconsideration is not appropriate. In the underlying administrative determination, the Board found that the regional director fairly and reasonably weighed the enumerated factor set forth in PERB Regulation 32793(c)² and we made no additional findings of fact. The majority of the Board further found there had been no apparent abuse of discretion by the regional director. CFA's

²PERB Regulation section 32793(c) states:

In determining whether an impasse exists, the Board shall investigate and may consider the number and length of negotiating sessions between the parties, the time period over which the negotiations have occurred, the extent to which the parties have made and discussed counter-proposals to each other, the extent to which the parties have reached tentative agreement on issues during the negotiations, the extent to which unresolved issues remain, and other relevant data.

claims of prejudicial errors of fact related to the administrative determination have already been thoroughly reviewed by the Board in the underlying decision. We have thus previously considered and rejected these claims.

ORDER

There being no proper grounds for reconsideration stated, the request for reconsideration of PERB Order No. Ad-177-H is hereby DENIED.

Chairperson Hesse and Member Craib joined in this Decision.