

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



In the Matter of:)
) Case No. LA-PC-1001
) LA-PC-1002
Unit Determination for Employees) LA-PC-1003
of the California State University) LA-PC-1004
and Colleges Pursuant to Chapter 744) LA-PC-1005
of the Statutes of 1978 (Higher)
Education Employer-Employee)
Relations Act))
) PERB Decision No. 176a-H
)
) Request for Reconsideration
)
) May 26, 1982
)
)
)

Appearances: Bernard L. Allamano, Gary P. Reynolds, M. Jeffrey Fine and Christine A. Bologna, Attorneys for California State Employees Association; Mayer Chapman and Barbara E. Miller, Attorneys for California State University and Colleges.

Before Gluck, Chairperson; Jaeger, Jensen and Tovar, Members.

DECISION

Pursuant to section 32410 of the rules and regulations of the Public Employment Relations Board (PERB or Board),¹ the

¹ PERB rules and regulations are codified at California Administrative Code, title 8, section 31000 et seq.

Section 32410(a) states:

(a) Any party to a decision of the Board itself may, because of extraordinary circumstances, file a request to reconsider the decision with the Board itself within 10 days following the date of service of the decision. The request for reconsideration shall be filed with the Executive Assistant

California State Employees Association (CSEA) seeks reconsideration of PERB Decision No. 176-H. In that decision we determined, inter alia, that the supervising groundsworker I employment classification of the California State Universities and Colleges (CSUC) is a supervisory classification, and that the appropriate representational unit for certain agricultural and technical classifications of CSUC could not be determined based upon the record of the underlying administrative proceeding.

In deciding the exclusionary status of the supervising groundsworker I, the Board adopted and relied upon those findings of fact which were based upon credibility determinations of the hearing officer who presided at the underlying administrative proceeding. It was in the evaluation of those findings that the Board reached a result contrary to that recommended by the hearing officer. We note that only one witness at the unit determination proceeding testified regarding the classification of supervising groundsworker I. Thus the testimony as to this employment position was uncontroverted. Independent review of the uncontroverted facts

to the Board and shall state with specificity the grounds claimed and, where applicable, shall specify the page of the record relied on. Service and proof of service of the request pursuant to Section 32140 are required.

is entirely within the Board's authority and does not evidence a disregard of firsthand credibility determinations.

The Board also considered, inter alia, its decision in In the Matter of Unit Determination for the State of California (12/30/80), PERB Decision No. 110c-S. While we concluded in that decision that the state civil service classification of supervising groundworker I is nonsupervisory, the record in the instant unit determination proceeding does not contain evidence establishing that this state classification is the same as the CSUC classification of the same name.

In deciding that a group of 50 agricultural and technical employees of CSUC could not for the moment be included in any representational unit, the Board found that the record was entirely without evidence as to certain agricultural and technical classifications. Thus, a rational decision regarding the appropriate composition of a representational unit of agricultural and technical employees was not possible. CSEA has not submitted any evidence to supplement the deficiency in the record, thus our conclusion must remain the same.

ORDER

Having shown no "extraordinary circumstances" within the meaning of section 32410, the California State Employees Association's request for reconsideration is DENIED.

PER CURIAM