

GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of:

Council of School Officers,
Local 4,

Complainant,

and

District of Columbia Public Schools,

Respondent.

PERB Case No. 83-U-08
Opinion No. 65

DECISION AND ORDER

Board Opinion No. 52 was issued in this matter on November 24, 1982. In Opinion No. 52, the Board dismissed without prejudice the Unfair Labor Practice Complaint against the D.C. Public Schools (DCPS).

On May 5, 1983, the Council of School Officers, Local 4 (CSO) filed a "Motion to Reopen and Reconsider PERB Case No. 82-U-06". On May 20, 1983, the DCPS filed an Answer emphasizing that if the Board treats CSO's motion as a new complaint, it is untimely because it was filed after the ninety (90) days imposed by Board Rule 103.1. DCPS further asserts that CSO's motion is improper because the Board's Rules do not provide for a "Motion to Reopen and Reconsider." Additionally, DCPS contends that, since CSO failed to file an appeal in the Superior Court of the District of Columbia within thirty (30) days after issuance of Opinion No. 52, the Board lacks authority to now entertain CSO's motion.

The Board has reviewed all documents filed in this matter and finds that CSO has failed to present any newly discovered facts or other evidence sufficient to support reconsideration by the Board. A motion to reopen a case which has been dismissed without prejudice will be considered when newly discovered facts or evidence exists which did not exist at the time the matter was originally considered by the Board. The Board finds that no such circumstances exist here.

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ORDER

IT IS ORDERED THAT:
The Motion to Reopen PERB Case No. 82-U-06 is denied.

BY ORDER OF PUBLIC EMPLOYEE RELATIONS BOARD
September 7, 1983