

EMPLOYMENT RELATIONS BOARD

OF THE

STATE OF OREGON

Case No. UP-13-05

(UNFAIR LABOR PRACTICE)

WING KAI CHAN,)	
)	
Complainant,)	
)	
v.)	
)	
BILL LEACH AND KAREN)	ORDER DENYING
STUBBLEFIELD, CLACKAMAS)	COMPLAINANT'S MOTION
COMMUNITY COLLEGE; AND DIANA)	FOR RECONSIDERATION
MCKEEVER AND COLLINE BROWN,)	
CLACKAMAS COMMUNITY COLLEGE)	
ASSOCIATION OF CLASSIFIED)	
EMPLOYEES, OEA/NEA,)	
)	
Respondents.)	
)	

This Board issued an Order in the above-captioned case on December 22, 2006. Complainant filed a Petition seeking reconsideration on January 10, 2007.

Complainant's Petition presents the same arguments for reconsideration that he raised in his unfair labor practice complaint. He asserts he was a "perfect worker" and that the Association breached its duty of fair representation because it did not prevent his employer from terminating his job. Complainant had the burden of proving that the Association's refusal to process his grievance was arbitrary, discriminatory or in bad faith. *Tancredi v. Jackson County Sheriff's Employee Association and Jackson County Sheriff's Office*, Case No. UP-31-04, 20 PECBR 967, 977 (2005). This Board considered Complainant's argument and found that he failed to meet his burden. Because the Complainant did not prove that the Association breached its duty of fair representation, we dismissed his complaint against the employer without reaching the merits. *Mengucci*

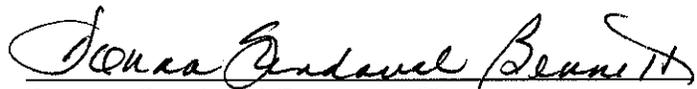
v. Fairview Training Center and Teamsters Local 223, Case Nos. C-187/188-83, 8 PECBR 6722 (1984).

We deny Complainant's petition because it was not filed within 14 days of the Order's date of service as required by OAR 115-035-0050(4). We also deny the petition because Complainant does not raise any issues of fact or law meriting reconsideration.

ORDER

Reconsideration is denied.

DATED this 22nd day of January 2007.



Donna Sandoval Bennett, Chair



Paul B. Gamson, Board Member



James W. Kasameyer, Board Member

This Order may be appealed pursuant to ORS 183.482.