

GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD

_____)
In the Matter of:)
)
American Federation of)
Government Employees,)
Local 872,)
)
Complainant,) PERB Case No. 89-U-12
) Opinion No. 264
)
v.)
)
District of Columbia)
Department of Public Works,)
)
Respondent.)
_____)

DECISION AND ORDER

On January 22, 1989, the American Federation of Government Employees, Local 872 (Complainant) filed with the Public Employee Relations Board (Board) an Unfair Labor Practice Complaint against the District of Columbia Department of Public Works (Respondent) alleging violations of D.C. Code Section 1-618.4 (a)(1)(2) and (3) and requesting a cease-and-desist order. ^{1/}

Respondent DPW thereafter filed a timely response in which it did not contest that it engaged in the conduct alleged as violative in the Complaint. Respondent, however, further asserted that the allegations in the Complaint do not constitute a basis for finding an unfair labor practice.

Complainant alleges that the same conduct by Respondent served as the basis of all three alleged unfair labor practices. Specifically, the Complaint alleges that which was as follows: at a May 22, 1989 Quality Circle meeting, ^{2/} the Chiefs of Respondent DPW's Billing and Collection and Meter and Measurement Divisions informed bargaining-unit members "that the Quality Circle had been terminated" and that any employees having any

^{1/} Complainant filed an Amendment to Unfair Labor Practice Complaint on August 31, 1989, adding that DPW be further ordered to post a notice to employees at its facilities concerning the alleged unfair labor practices set forth in its Complaint.

^{2/} The Quality Circle, Complainant asserts, was a program "organized", "sponsored", "sanctioned", "promoted" and "supported" by Respondent DPW (Complaint at p.2).

questions concerning its termination "were to 'ask the Acting Vice President and the Acting President of the Union.'" (Complaint at p.3; Answer at p.4) As a result, according to the Complaint, "[d]uring the week of May 22, 1989, the Bargaining Unit members of these two divisions confronted both the Union President and the Acting Executive Vice President, concerning why the Union shut down the Quality Circle[.]" (Complaint at p.3) Furthermore, these same employees "threatened to prepare and to circulate a petition to oust them [Union President and Acting Executive Vice President] as officers of the Union." Complainant asserts that these remarks by DPW representatives "created confusion, distrust and animosity among the Bargaining Unit members and created an unfavorable and unhealthy atmosphere for the continued existence of the Union."

Complainant asserts that by these remarks, Respondent inferred to bargaining-unit members that Complainant was responsible for the discontinuation of the Quality Circle in violation of D.C. Code Section 1-618.4(a)(1) and (2). Complainant further asserts that by subjecting employees to these inferences concerning Complainant, Respondent "discouraged [employees'] continued membership in the Union, and encouraged dissention, distrust, and a hostile environment" for Complainant and its officers' continued existence in violation of D.C. Code Section 1-618.4(a)(3).

A review of the parties' pleadings reveals that all assertions of alleged violative conduct are uncontested by Respondent. However, taking all the allegations of the Complaint as true, it does not give rise to any unfair labor practices. The Complainant therefore has failed to state a claim under the CMPA upon which relief can be granted.

Accordingly, we dismiss this Complaint.]

ORDER

IT IS HEREBY ORDERED THAT:

The Complaint is dismissed.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD
Washington, D.C.

December 24, 1990