

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of: )

The District of Columbia Metropolitan )  
Police Department, )

Complainant, )

PERB Case No. 85-U-12  
Opinion No. 107

and )

The National Association of Government )  
Employees, Local R3-5, )

Respondent. )

DECISION AND ORDER

On January 9, 1985 the District of Columbia Metropolitan Police Department (MPD) filed an "Unfair Labor Practice Complaint" (ULP) against the National Association of Government Employees, Local R3-5 (NAGE). The Complaint alleges that NAGE has violated the Comprehensive Merit Personnel Act (CMPA) by refusing to bargain in good faith. On January 24, 1985, NAGE filed its "Response" to the Complaint denying any violation of the CMPA and requesting that the Board dismiss the Complaint. NAGE contends that the Complaint makes "broad charges without the specifics as to precise facts and dates of occurrence constituting the alleged violation as required by PERB rules."

The issue before the Board is whether or not NAGE violated the CMPA by engaging in surface bargaining as alleged by MPD.

DISCUSSION

MPD and NAGE have been engaged in bargaining for a new working conditions collective bargaining agreement since August 30, 1984. Although there was some initial progress, negotiations stalled and on October 18, 1984, NAGE filed an impasse request with the Board. The parties held a bargaining session on December 10, 1984 in the presence of a Board observer and appeared to be at impasse, primarily on the issue of the arbitration of disciplinary actions. A mediator was appointed and met with the parties but no progress was reported. On January 16, 1985, the Board directed the parties to engage in non-binding advisory arbitration.

Meanwhile, NAGE has filed a ULP with the Board on December 19, 1984 (Case No. 85-U-08) alleging that MPD unlawfully withheld from its members Christmas bonus checks to which they were entitled under the Compensation Agreement reached with the District of Columbia Government on October 10, 1984. MPD contends that it is not obligated to pay the bonus checks until completion of the current working conditions negotiations. That issue is under review by the Board.

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In the present case, MPD contends that NAGE has engaged in surface bargaining with third party intervention as their goal. On the other hand, NAGE contends that the issues at impasse are its priority items and have been identified as such from the very first bargaining session. MPD's charges appear to be merely a restatement of the arguments it made in opposing NAGE's impasse request.

Having reviewed this matter, the Board concludes that the refusal to bargain charge is untenable. The parties are simply deadlocked on the principal issues between them.

ORDER

IT IS ORDERED THAT:

The Complaint is dismissed due to its failure to establish a violation of the CMPA.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD  
April 15, 1985