

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of:

The University of the District of Columbia  
Faculty Association/National Education  
Association,

Labor Organization,

and

The University of the District of Columbia,

Employer.

PERB Case Nos. 85-U-03

85-U-05

Opinion No. 105

DECISION AND ORDER

On October 17, 1984 the University of the District of Columbia Faculty Association/National Education Association (UDCFA) filed an Unfair Labor Practice Complaint (ULP) with the Board against the University of the District of Columbia (UDC). The Complaint alleges that UDC violated Section 1-618.4(a) (1)(2)(3) and (4) of the Comprehensive Merit Personnel Act (CMPA) by denying UDCFA the right to meet and discuss with UDC a pending reduction-in-force in the presence of five of its members who might be adversely affected by the proposed action. On November 2, 1984, UDC filed its "Answer" denying that it has violated the CMPA. UDC contends that when UDCFA insisted on attending routine meetings of its departments of Earth and Life Sciences and Veterinary Sciences, it was forced to cancel the meetings and communicate with its employees by other means.

In what amounts to a counter-claim, UDC filed a ULP against UDCFA on November 16, 1984 (PERB Case No. 85-U-05) alleging that UDCFA violated the CMPA by forcing it to cancel routine departmental meetings. UDCFA filed its "Answer" on November 30, 1984, denying any violation.

The issue before the Board in Case No. 85-U-03 is whether or not UDC violated the CMPA by refusing to allow UDCFA to attend its departmental meetings even while separately granting UDCFA the right to meet and discuss alleged charges in working conditions.

This matter arises as a result of unsubstantiated rumors that UDC was contemplating a reduction-in-force in the departments of Earth and Life Sciences and Veterinary Science during the 1984-1985 school year. The Earth and Life Sciences and the Veterinary Science Department, along with others, are departments within the College of Life Sciences. At the beginning of each academic year, a meeting of the faculty of each of the approximately sixty (60) Departments is held to discuss routine administrative matters. UDCFA has not, in the past, attended these meetings.

On August 7, 1984 the Dean of the College of Life Sciences wrote three faculty members of the bargaining unit represented by UDCFA informing them that faculty work assignments would be performed by the Office of the Dean and directing them to report to an Associate Dean for their assignments and orientation. UDCFA was also notified by UDC. On August 16, 1984, UDCFA sent a letter to the Associate Dean requesting a meeting to discuss a list of alleged changes in the terms-and-conditions of employment of five of its members who might be affected by the rumored reduction-in-force. Three of the five are faculty members in the Earth and Life Sciences Department. The remaining two are faculty members of the Veterinary Science Department. On August 17, 1984, representatives of UDCFA attended meetings scheduled for these departments. The meetings were cancelled allegedly due to UDCFA's presence.

On August 24, 1984, the Associate Dean offered UDCFA a separate meeting but informed it that the departmental meeting would be adjourned should their representatives attend. He also refused to hold a single meeting combining the faculty of the two departments because he felt that such actions would needlessly fuel unsubstantiated rumors. At the same time he assured UDCFA that the meetings would not be dealing with reduction-in-force issues and sent UDCFA a copy of the meetings' agenda. Contending that he had been effectively prevented from holding the department meeting, the Associate Dean sent the faculty members a memorandum on August 21, 1984 reviewing administrative procedures for the academic year and requesting responses, if any.

The Board has reviewed this matter and finds that the agenda items for department meetings were routine administrative matters and not term-and-conditions of employment subject to the collective bargaining agreement. Management's offer of a separate meeting to UDCFA was a reasonable response to the union's expressed concerns. The Associate Dean's refusal to combine the faculty from two different departments into a single meeting was a reasonable exercise of management discretion. Accordingly, the Board finds that management's actions did not violate the CMPA.

The Board is also dismissing the Complaint in Case No. 85-U-05. It is not clear that the attendance of two of UDCFA's representatives was in itself justification for cancelling the departmental meetings. The currency of the rumors regarding a reduction in force created a natural concern on the part of the union. The statutory sections relied on by the UDC do not apply clearly to the situation that developed here. The Board notes, however, that the course followed here by the union would, if it were established as a routine policy, become inevitably disruptive. The proper standard procedure, suggested here by the Associate Dean, would be to arrange separate meetings between the union and the appropriate university representatives.

#### ORDER

IT IS ORDERED THAT:

Both Complaints are dismissed on the grounds that they fail to establish a violation of the Comprehensive Merit Personnel Act as alleged.

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