

**Notice:** This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any errors so that they may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

**Government of the District of Columbia  
Public Employee Relations Board**

In the Matter of:	)	
	)	
Teamsters Local Unions No. 639 and 730,	)	
	)	PERB Case No. 00-U-27
Complainant,	)	
	)	Opinion No. 667
v.	)	
	)	
District of Columbia Board of Education,	)	
	)	
Respondent.	)	
	)	

**DECISION AND ORDER**

This matter involves an unfair labor practice complaint filed by Teamsters Local Unions No. 639 and 730 ("Complainant" or "Teamsters"). The Complainant alleged that the District of Columbia Board of Education ("DCPS" or "Respondent") committed an unfair labor practice by failing to implement an arbitration award.

An arbitration award issued January 11, 2000, rescinded the termination of a bargaining unit employee and directed the employee's immediate reinstatement to his job with back pay and restoration of benefits. DCPS did not seek review of the award. However, as of May 2000, the employee had not been reinstated. As a result, the Teamsters filed an unfair labor practice complaint.

DCPS conceded that the employee had not been returned to his former position at Stevens Elementary School. However, DCPS asserted that it did not violate the Comprehensive Merit Personnel Act (CMPA). Specifically, DCPS claims that the award merely requires that the grievant be returned to a position as a school maintenance worker at any school. The Teamsters contend that the award requires that the grievant be reinstated at his former school.

After reviewing the pleadings, the Board noted that there may be some merit to the Teamsters' Complaint. However, in Slip Op. No. 640, the Board decided not to rule on the merits of the Complaint. Instead, the Board decided to hold this matter in abeyance for thirty days. During this thirty-day period, the Board urged the parties to seek clarification of the award from the arbitrator. In addition, the Board noted that upon the request of either party, the Board would consider this matter anew after the expiration of the thirty-day period.

On July 10, 2001, the Teamsters informed the Board's Executive Director that effective May 2001, the grievant was reinstated as a school maintenance worker at his former school (Stevens Elementary School). In addition, the Teamsters stated that DCPS claims that it is processing the grievant's back pay.

Since the grievant has been reinstated at his former school and his back pay is being processed, we believe that this matter has been resolved.<sup>1</sup> However, we will retain jurisdiction for sixty days in order to ensure that the grievant's back pay is processed by DCPS. Therefore, we are requesting that DCPS submit proof that they have issued the grievant a check for his back pay. In addition, we are directing the Board's Executive Director to dismiss the present complaint once the Board receives evidence that the grievant has received his back pay.

### **ORDER**

#### **IT IS HEREBY ORDERED THAT:**

1. This matter will be held in abeyance for sixty days.
2. The District of Columbia Public Schools shall provide proof to the Public Employee Relations (Board), that the grievant has received a check covering his back pay.
3. Once the Board is notified that the grievant has received his back pay, the Board's Executive Director shall dismiss the complaint administratively.

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

October 15, 2001

---

<sup>1</sup>The union claims that DCPS still has to respond to the arbitrator's supplemental award concerning attorney fees and interest. However, the issue of attorney fees and interest were not raised in the original complaint. Therefore, it is not necessary for the Board to consider these issues as part of this proceeding.

**CERTIFICATE OF SERVICE**

This is to certify that the attached Decision and Order in PERB Case No. 00-U-27 was transmitted via Fax and/or U.S. Mail to the following parties on this 15<sup>th</sup> day of October 2001.

Hugh J. Beins, Esq.  
Beins, Axelrod & Kraft, P.C.  
1717 Massachusetts Ave., N.W.  
Suite 704  
Washington, D.C. 20036-20001

FAX & U.S. MAIL

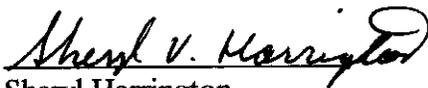
Ava Greene Davenport, Esq.  
Director of Labor Relations  
D.C. Public Schools  
825 N. Capitol Street, N.E.  
6<sup>th</sup> Floor  
Washington, D.C. 20002-4232

FAX & U.S. MAIL

Courtesy Copies:

Veleter Mazyck, Esq.  
General Counsel  
D.C. Public Schools  
825 North Capitol Street, N.E.  
6<sup>th</sup> Floor  
Washington, D.C. 20003-4232

U.S. MAIL

  
Sheryl Harrington  
Secretary