

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
PUBLIC EMPLOYEE RELATIONS BOARD

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In the Matter of:	)	
	)	
The University of the District of Columbia Faculty Association/National Education Association,	)	PERB Case No. 84-U-11
	)	Opinion No. 106
Complainant,	)	
and	)	
The University of the District of Columbia,	)	
Respondent.	)	

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DECISION AND ORDER

On October 10, 1984, the Board issued PERB Opinion No. 92 in which it dismissed an Unfair Labor Practice Complaint filed by the University of the District of Columbia Faculty Association/National Education Association (UDCFA) filed against the University of the District of Columbia (UDC) alleging that UDC refused to bargain in good faith by refusing to abide by ground rules for negotiations previously agreed upon. The Board held that Section 1704(b) of the Comprehensive Merit Personnel Act (CMPA) did not apply to the allegations made against UDC because this section defines unfair labor practices by employees and/or labor organizations, not management. The Board also found that, because the parties had resumed negotiations, the issue of failure to bargain was moot.

On November 9, 1984, UDCFA filed an "Appeal of Panel Decision." The document alleges, in essence, that the Board erroneously interpreted specific quotations of law in its original pleadings because of a typographical error. UDCFA contends that it intended to allege that UDC violated Section 1704(a) rather than Section 1704(b).

After reviewing the record, the Board finds no basis for re-opening this case. The UDCFA "Appeal of Panel Decision" disregards the fact that the October 10, 1984 decision was not by a Panel of the Board but by the Board itself, permitting an appeal only to the District of Columbia Superior Court. If the appeal were to be considered a petition for reconsideration, the necessarily controlling factor would be the Board's finding that the issue of failure to bargain had become moot in view of the parties' resumption of negotiations.

ORDER

IT IS ORDERED THAT:

This case be dismissed.

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