

GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of:
Local 2093, District Council 20
American Federation of State, County
and Municipal Employees, AFL-CIO,

Complainant,

)Case No 80-U-05
)PERB Opinion No. 10

and

District of Columbia
Board of Education,

Respondent

DECISION AND ORDER

Pursuant to Section 502 (c) of D.C. Law 2-139, the District of Columbia Comprehensive Merit Personnel Act of 1978, the District of Columbia Public Employee Relations Board ("PERB") adopts the following policy in cases where grievances and complaints involving dual jurisdiction of an arbitrator in a contract dispute and the PERB in a statutory (Unfair Labor Practice allegation) dispute based upon identical facts:

1. The parties will be permitted to proceed to arbitration and the PERB will retain jurisdiction to review the fairness of the arbitration proceedings and the consistency of the arbitration award with the policies of D.C. Law 2-139.
2. The PERB will take no action on Unfair Labor Practice complaints while the arbitration case is pending.

3. Where the parties agree, in writing, to waive arbitration, the PERB will exercise jurisdiction and render a decision.
4. The PERB will construe the 120 day requirement for processing cases presented to it, to be held in abeyance while arbitration on identical facts is pending.

The parties have indicated that a contract dispute based upon identical facts is being processed through the negotiated grievance procedure. Consistent with the policy enumerated above, the PERB orders this Unfair Labor Practice Complaint held in abeyance pending voluntary arbitration of identical facts through the negotiated contract dispute resolution procedure. The PERB retains jurisdiction to review the arbitration award for fairness and consistency with the policies of D.C. Law 2-139.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD
April 17, 1981