

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,

Petitioner.

and

The University of the District of
Columbia,

Respondent.

PERB Case No. 84-U-11
Opinion No. 92

DECISION AND ORDER

On August 7, 1984, the University of the District of Columbia Faculty Association/National Education Association (UDCFA) filed an Unfair Labor Practice Complaint (ULP) with the District of Columbia Public Employee Relations Board (Board) against the University of the District of Columbia (UDC). The Complaint alleges that UDC violated Section 1704(b)(1)(2) and (5) of the Comprehensive Merit Personnel Act (CMPA) by failing to bargain in good faith, failing to appear for the first bargaining session of the current contract negotiations and refusing to abide by the groundrules for negotiations previously agreed upon by the parties. UDCFA seeks as a remedy, that the Board prohibit unlawful conduct by UDC and order it to bargain in good faith without attempting to stall the negotiations.

UDCFA sought to evoke the expedited procedures under Board Rule 103.13 which would have required a hearing within 24 hours of filing the Complaint. Because the allegations in the Complaint did not involve a strike or other job action, as required by Section 1704(b)(4) or (5) of the CMPA, the expedited procedure is deemed inappropriate.

On August 23, 1984, UDC filed its response denying that it had violated the CMPA by failing to bargain in good faith, and contends that the issue is moot because the parties resumed bargaining on August 22, 1984. UDC further contends that UDCFA violated the groundrules by submitting its complete proposal eighteen (18) days late and attempting to bargain over various issues after agreeing to close the table to those issues.

The issue before the Board is whether or not UDC violated Section 1704 (b)(1)(2) or (5) of the CMPA as alleged.

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The matter stems from a dispute over the interpretation of groundrules for negotiation of a new collective bargaining agreement. On August 3, 1984, UDCFA submitted a package of proposals containing language for 25 of the 31 issues to be negotiated, and indicated that it would submit its position on the remaining 6 issues at a later time. The Chief Negotiator for UDC took the position that the package was incomplete and violated the groundrules because the proposals did not contain UDCFA's position on the 6 outstanding issues. On August 20, 1984, UDCFA submitted its proposals on the 6 outstanding issues. On August 22, 1984, the parties resumed bargaining, therefore, the issue of failure to bargain is now moot.

Section 1704(b) does not apply to the allegations made against UDC. This section defines unfair labor practices by employees and/or labor organizations, not management. No allegations have been made concerning discrimination, a strike or other job action which might be prohibited by Section 1704(b). Accordingly, we find that the Complaint does not establish a violation of Section 1704(b) of the CMPA.

O R D E R

IT IS ORDERED THAT:

The Complaint is dismissed due to its failure to establish a violation of Section 1704(b) of the CMPA (D.C. Code Section 1.618.4(b)).

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

October 10, 1984