

GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of:)
)
Julia A. Harris,)
)
Complainant,) PERB Case No. 83-U-13
) Opinion No. 67
)
and)
)
The District of Columbia Public)
Schools,)
)
Respondent.)
)
)

DECISION AND ORDER

On August 9, 1983, Ms. Julia A. Harris (hereafter Complainant) filed an Unfair Labor Practice Complaint against the District of Columbia Public Schools (hereafter DCPS). The Complainant contends that DCPS's action in discharging her for insubordination constitutes an unfair labor practice in violation of Section 1704 of the Comprehensive Merit Personnel Act of 1978 (hereafter CMPA).

On August 31, 1983, DCPS filed an Answer denying that its action violates the CMPA. DCPS's Answer emphasizes that the Complainant was represented by the American Federation of State, County and Municipal Employees (hereafter AFSCME) throughout the grievance procedure pursuant to the provisions of the collective bargaining agreement.

On May 9, 1983, the Complainant was terminated for insubordination. The Complainant was a member of AFSCME, Local 2921. The collective bargaining agreement between AFSCME and DCPS includes a grievance procedure which provides for arbitration as a final step. Exercising her rights under the collective bargaining agreement, the Complainant filed a grievance protesting her termination and was granted a hearing. Complainant was represented by AFSCME at the hearing. The hearing officer found that there had not been any contractual violation by DCPS to support Complainant's grievance. AFSCME declined to pursue the matter to arbitration.

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The Board has carefully reviewed all documents and finds that the Complaint does not establish a violation of Section 1704 of the CMPA by the DCPS.

O R D E R

IT IS ORDERED THAT:

The Complaint is hereby dismissed based on its failure to establish a violation of Section 1704 of the CMPA (D.C. Code Section 1-618.4).

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD
December 9, 1983.