

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:)	
)	
District of Columbia Fire and Emergency Medical Services Department,)	
)	
Complainant,)	PERB Case No. 03-U-02
)	
v.)	Slip Opinion No. 765
)	
American Federation of Government Employees, Local 3721,)	
)	
)	
Respondent.)	
)	

DECISION AND ORDER

The District of Columbia Fire and Emergency Medical Services Department ("FEMS") filed an unfair labor practice complaint ("Complaint") against the American Federation of Government Employees, Local 3721 ("AFGE"). The Complaint alleges that AFGE failed and refused to bargain in good faith by refusing to negotiate a successor collective bargaining agreement. FEMS asserts that AFGE's conduct violates D.C. Code §1-617.04(b)(3) (2001 ed.).

This matter was assigned to a Hearing Examiner and scheduled for a hearing to be held on June 23, 2004. However, by letter dated June 18, 2004, the parties notified the Board that pursuant to paragraph six of a Memorandum of Agreement executed on June 17, 2004, the parties had agreed that this case would be withdrawn.¹ As a result, the parties requested that the Complaint be

¹ Pursuant to paragraph six of the Memorandum of Agreement, PERB Case No. 02-U-22 was also withdrawn. In PERB Case No. 02-U-22, AFGE, Local 3721 alleged that FEMS committed an unfair labor practice by: (1) failing to inform AFGE that the Financial Responsibility and Management Assistance Authority (FRMAA" or "Control Board") disapproved the parties' 1995 negotiated agreement; (2) denying AFGE the Right to have the 1995 negotiated agreement approved in accordance with D.C. Code § 1-617.15; and (3) preventing AFGE from representing its members under the provisions negotiated in the 1995 negotiated agreement.

dismissed. In light of the above, the Hearing Examiner is recommending that the Complaint be dismissed with prejudice.

Pursuant to D.C. Code § 1-605.02(3)(2001 ed.) and Board Rule 520.4, the Board has reviewed the recommendation of the Hearing Examiner and finds it to be reasonable and supported by the record. As a result, we adopt the Hearing Examiner's recommendation and dismiss the Complaint with prejudice.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Hearing Examiner's recommendation is adopted and the Complaint is dismissed with prejudice.
2. Pursuant to Board Rule 559.2, this Decision and Order is final upon issuance.

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

September 29, 2004

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No.03-U-02 was transmitted via Fax and U.S. Mail to the following parties on this the 29th day on September 2004.

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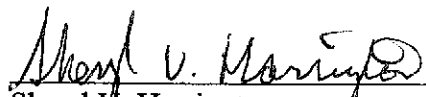
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Sheryl V. Harrington
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