## GOVERNMENT OF THE DISTRICT OF COLUMBIA PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of:	
The Council of School Officers, Local 4,	)
Complainant,	) PERB Case No. 86-U-02 Opinion No. 141
and	)
The District of Columbia Public Schools,	)
Respondent.	)

## DECISION AND ORDER

On December 27, 1985 the Council of School Officers, Local 4 (CSO) filed an Unfair Labor Practice (ULP) Complaint with the District of Columbia Public Employee Relations Board (Board) against the District of Columbia Public Schools (DCPS). CSO alleges that DCPS willfully and consistently failed to negotiate in good faith a new collective bargaining agreement with CSO by taking the position that compensation for fiscal year (FY) 1985 was not negotiable after September 30, 1985, the last day of FY 1985. As a remedy, CSO requests that the Board issue a cease-and-desist order requiring DCPS to bargain in good faith and post ... notices of the cease-and-desist order and pay CSO's court costs and attorney fees.

On February 13, 1985 DCPS filed its Answer to the Complaint. DCPS denies that it violated the Comprehensive Merit Personnel Act (CMPA) in its bargaining with CSO. DCPS contends that the current ULP is identical to the issues previously litigated by the Board in cases 85-U-15 and 85-U-27 and is nothing more than an attempt by CSO to relitigate the same issues. DCPS requests that the Board dismiss the Complaint.

The issue before the Board is whether the allegations made by CSO state a violation of the CMPA by DCPS.

In its Complaint CSO cites various events that have occurred in the tortuous history of CSO-DCPS attempts to negotiate a new contract from the start of their negotiations on January 3, 1985 up to December 27, 1985. Board Rule 103.1 prohibits the filing Decision and Order Case No. 86-V-02 Opinion 141 Page 2

of an allegation more than 90 days after the alleged violation. Thus, events that occurred earlier than September 28, 1985. Moreover, events that occurred prior to October 4, 1985 have been dealt by the Board in cases 85-U-15 and 85-U-27.

The Board declared impasse on compensation on October 1, 1985. The parties' good faith in bargaining ceased to be an issue after October 1, 1985. Hence, CSO's Complaint turns only on events which occurred between September 28, and October 1, 1985.

In examining events between September 28, 1985 and October 1, 1985 the Board finds that it is undisputed that CSO and DCPS signed a tentative agreement on September 28, 1985 which the CSO membership voted not to ratify on September 30, 1985. The next day the Board declared impasse. There is no evidence of bad faith bargaining by DCPS between September 28, 1985 and October 1, 1985.

## ORDER

IT IS ORDERED THAT:

The Complaint is dismissed for 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

May 30, 1986