

GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of)	
)	
The District of Columbia)	
Department of Corrections,)	
)	
Petitioner)	Case No. 80-A-01
)	
and)	PERB Opinion No. 12
)	
Local 1550, American Federation of)	
Government Employees, AFL-CIO)	
)	
Respondent)	
)	

DECISION AND ORDER

This Arbitration Review Request was filed with the District of Columbia Public Employee Relations Board (hereafter, the Board) by the District of Columbia Department of Corrections (hereafter, Petitioner) pursuant to the District of Columbia Comprehensive Merit Personnel Act ("CMPA"), D.C. Code Section 1.335.1(f) and Section 107 of the Interim Rules of the Board (Emphasis Added). It appears that the Petitioner has inadvertently cited D.C. Code Section 1.335.1(f) as the statutory authority for this Petition, and should properly have cited D.C. Code Section 1.335.2(f), which states that the Board shall have the power to:

"consider appeals from arbitration awards pursuant to a grievance procedure: Provided, however, that such awards may be reviewed only if the arbitrator was without, or exceeded, his or her jurisdiction; the award on its face is contrary to law and public policy; or was procured by fraud, collusion, or other similar and unlawful means: Provided, further, that the provisions of this subsection shall be the exclusive method for reviewing the decision of an arbitrator concerning a matter properly subject to the jurisdiction of the Board..." (Emphasis Added)

Petitioner filed said Petition seeking to have the Board set aside the arbitrator's award for the following reasons:

1. The Arbitrator exceeded his authority
2. The award is contrary to law and public policy
3. The Arbitrator was biased
4. The award is arbitrary and capricious"

Local 1550, American Federation of Government Employees, Respondent, filed its Opposition To Acceptance By Board of Arbitration Review Request and stated its position as follows:

"...None of the grounds as stated in the request, and as explained in the memorandum accompanying the request, is a statutory ground for review of a labor arbitration award under D.C. Code Section 1.335.2(f)."

While D.C. Code Section 1.335.2(f) gives the Board the authority to "...consider appeals from arbitration awards pursuant to a grievance procedure", such authority is not without conditions and restrictions. One such restriction is the requirement that the matter be "...properly subject to the jurisdiction of the Board..." After carefully reviewing the pleadings, documents, and the facts presented therein, the Board finds that the substantive issues of the grievance constitute a personnel classification controversy, not a labor relations controversy over which the Board can properly exercise jurisdiction pursuant to D.C. Code Section 1.335.2(f).

ORDER

The Complaint is dismissed.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

June 25, 1981