

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:)	
)	
Doctors' Council of the District of Columbia,)	
)	
Complainant,)	PERB Case No. 07-U-19
)	
v.)	
)	Opinion No. 893
District of Columbia Department of Youth)	
Rehabilitation Services,)	
)	
Respondent.)	
)	

SUPPLEMENTAL DECISION AND ORDER

On February 15, 2007, the Doctors' Council of the District of Columbia ("Union"), filed an Unfair Labor Practice Complaint, in the above-referenced case. The Union alleged that the District of Columbia Department of Youth Rehabilitation Services ("DYRS") violated D.C. Code § 1-617.04(a)(1) and (5) by failing to implement the terms of a settlement agreement that resolved a grievance filed by the Union on behalf of Dr. Adrienne E. Charles.

In Slip Opinion Number 884 issued on April 17, 2007, the Board determined that DYRS violated the Comprehensive Merit Personnel Act and ordered remedial relief. Paragraph number 3 of the Board's Order provides as follows:

3. DYRS shall within fourteen (14) days from the issuance of this Decision and Order fully implement the terms of the parties' October 2006 settlement agreement by providing Dr. Charles with back pay equal to the amount of \$48,549.30, less appropriate deductions, for the period January 10, 2005 through June 2, 2006 with interest at the rate of 4% per annum. The interest in this case shall begin to accrue at the time the back-pay became due, namely January 10, 2005.

On May 18, 2007, the Office of Labor Relations and Collective Bargaining ("OLRCB"), requested on behalf of DYRS that the Board clarify the start and end dates for the calculation of interest. In response to OLRCB's request for clarification of the start and end dates for the calculation of interest, the parties - with the assistance of the Board's Executive Director - conferred and agreed that interest in this matter should be paid according to the parties' Agreement ("Agreement") attached hereto and incorporated herein.

The Board has reviewed the parties' Agreement, and finds it reasonable in light of the parties' goal of prompt payment of the interest to Dr. Charles. Therefore, the Board adopts the parties' Agreement and adopts it as the Board's Order.

ORDER

IT IS HEREBY ORDERED THAT:

1. The District of Columbia Department of Youth Rehabilitation Services ("DYRS") shall, within fourteen (14) days from date of execution of the parties' Agreement (i.e., by June 5, 2007), pay interest to Dr. Charles in the amount of \$3,006.14 on \$48,549.30, the amount of back pay previously agreed to and ordered. Such interest has been calculated as follows:

Simple interest, at 4 % per annum, totaling \$3,006.14, calculated as follows:

From April 2, 2005 to and including May 1, 2007, on the amount of \$7,186.38, plus

From July 9, 2005 to and including May 1, 2007, on the amount of \$12,787.65, plus

From October 1, 2005 to and including May 1, 2007, on the amount of \$9,041.66, plus

From January 8, 2006 to and including May 1, 2007, on the amount of \$5,880.02; plus

From June 2, 2006 to and including May 1, 2007, on the amount of \$13,636.45.

2. Within fourteen (14) days from execution of the parties' Agreement (i.e., by June 5, 2007), DYRS shall notify the Public Employee Relations Board in writing of the steps it has taken to comply with this Supplemental Order and shall include in such notification the spreadsheet—or other documentation—demonstrating the calculation of the total interest payment.

3. This Supplemental Order shall not be precedential with regard to any other matter.

Supplemental Decision and Order
PERB Case No. 07-U-19
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4. Pursuant to Board Rule 559.1 this Supplemental Decision and Order is final upon Issuance.

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

May 25, 2007

OFFICE OF LABOR RELATIONS & COLLECTIVE BARGAINING
Executive Office of the Mayor
GOVERNMENT OF THE DISTRICT OF COLUMBIA



VIA FACSIMILE AND FIRST-CLASS MAIL

May 22, 2007

Julio Castillo
Public Employee Relations Board
727 14th Street, N.W.
11th Floor
Washington, DC 20005

**RE: PERB Case No. 07-U-19, Op. No. 884
Parties' Agreement on Backpay Interest**

Dear Mr. Castillo:

Pursuant to PERB Order 884, Dr. Adrienne Charles was awarded interest on the backpay owed. The Board did not specify the timeframe for which interest must be calculated and Agency requested clarification. By conference call with Ms. Wendy Kahn, Union Counsel, Ms. Andrea Bentley, Agency counsel, Jonathan O'Neill, Supervisory Attorney Advisor, Office of Labor Relations and Collective Bargaining and you, parties agreed to calculate interest on the backpay as follows.

- A. Simple interest, at 4 % per annum, shall be calculated on back pay as follows. The grievant, Dr. Adrienne Charles will be paid the sum total amount of the five (5) calculations below:
1. April 2, 2005 to and including May 1, 2007, on the amount of \$7,186.38
 2. July 9, 2005 to and including May 1, 2007, on the amount of \$12,787.65
 3. October 1, 2005 to and including May 1, 2007, on the amount of \$9,041.66
 4. January 8, 2006 to and including May 1, 2007, on the amount of \$5,880.02
 5. June 2, 2006 to and including May 1, 2007, on the amount of \$13,636.45
- B. The total amount of interest on the backpay owed is **\$3,006.14**
- C. **\$3,006.14** must be delivered to Dr. Adrienne Charles within 10 business days from the date of the execution of this agreement.
- D. If the 10 business day deadline is not satisfied, the request for clarification shall be renewed.

PERB Case No. 07-U-19, Op. No. 884
Parties' Agreement on Backpay Interest

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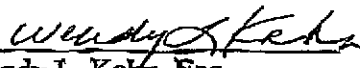
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We, the undersigned, agree to the provisions listed above. This agreement shall not have any precedential effect.

Representative for Agency

Representative for Union


Andrea M. Bentley, Esq.
D.C. Office of Labor Relations
and Collective Bargaining


Wendy L. Kahn, Esq.
Zwerdling, Paul, Kahn and Wolly, P.C.

CERTIFICATE OF SERVICE

This is to certify that the attached Supplemental Decision and Order in PERB Case No. 07-U-19 was transmitted via Fax and U.S. Mail to the following parties on this the 25th day of May 2007.

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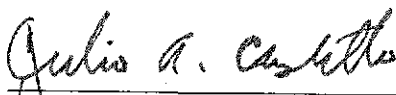
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for 

Sheryl V. Harrington
Secretary