

GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEES RELATIONS BOARD

In the Matter of:

The University of the District
of Columbia,

Petitioner,

and

The American Federation of State,
County and Municipal Employees,
Local 2087,

Respondent.

PERB Case No. 87-A-01
Opinion No. 154

DECISION AND ORDER

On October 8, 1986, the University of the District of Columbia (hereinafter, UDC) filed an "Arbitration Review Request" with the Public Employees Relations Board (hereinafter, Board), seeking review of an Arbitration Award issued on September 5, 1986.

The American Federation of State, County and Municipal Employees (AFSCME) grieved the discharge of John Williams, an employee of UDC who was terminated for "inexcusable absence without leave" on January 31, 1986. The Arbitrator concluded that the termination of the grievant was in violation of the parties' collective bargaining agreement, specifically finding that the UDC failed to adhere to the provision of the agreement which states that "disciplinary action shall be corrective and not punitive". The Arbitrator directed that the grievant, Mr. Williams, be reinstated without loss of his seniority or contractual benefits, but without the reimbursement of the loss of earnings. In essence, the Arbitrator converted the discharge to lengthy suspension.

UDC seeks a review of the Award based upon its assertion that "the Arbitrator was without authority and exceeded the jurisdiction granted; (2) the Award on its face is contrary to law and public policy."

On October 27, 1986, AFSCME, Local 2087 filed an "Opposition to the Arbitration Review Request", contending that the Board should dismiss the Review Request for the following reasons:

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- (1) The Review Request is untimely because it was filed more than 20 days from the date of the Award in violation of Board Rule 107.5.
- (2) The Arbitrator acted well within his authority and jurisdiction when he reinstated Mr. Williams.
- (3) The Award is consistent with established legal principles that an Arbitrator may interpret the provision of a collective bargaining agreement and that the Award must "draw its essence from the collective bargaining agreement."
- (4) The Award is consistent with public policy concerning the means of terminating public sector employees.

The issue before the Board is whether the Arbitration Review Request was timely filed, in accordance with the Board's Interim Rule 107.5.

A review of the record before the Board, discloses that the Arbitration Review Request was filed thirty-three (33) days after the issuance of the Arbitrator's Award. The record further reveals that the Award was served upon the parties on September 5, 1986, the day that it was issued and that UDC did not present to the Board any request for an extension of the prescribed time limitation.

Board Rule 107.5 requires that a Review Request shall be filed no more than twenty (20) days after the Award is served. The Board has consistently required that the parties to an arbitration proceeding comply with this provision.

Accordingly, the Review Request is denied.

O R D E R

IT IS ORDERED THAT:

The Request for the Review of the Arbitration Award is hereby denied.

BY ORDER OF THE PUBLIC EMPLOYEES RELATIONS BOARD
February 20, 1987

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