

II. Background

FEMS staff fall into two categories—civilian, unsworn single-role employees who are trained emergency medical services (EMS) providers and sworn dual-role employees who are trained as both EMS providers and firefighters.³ These categories have traditionally been split into two bargaining units such that only the sworn dual-role employees are members of IAFF.⁴ The IAFF bargaining unit is defined as: “all sworn employees of the D.C. Fire and Emergency Medical Services Department through the Rank of Captain.”⁵

While membership in the IAFF bargaining unit has historically been reserved for dual-role employees, a memorandum of agreement in effect from June 17, 2009, through February 14, 2020 (2009 MOA) granted single-role EMS providers the opportunity to apply for distinct sworn positions, and those who were selected became sworn members of the IAFF bargaining unit.⁶ However, another memorandum of agreement (2020 MOA) was issued in April 2020, which removed the opportunity for employees without firefighter training (single-role employees) to become sworn employees.⁷

Despite the 2009 MOA no longer being in effect, in October 2022, FEMS promoted a civilian single-role EMS provider to a sworn role within the IAFF bargaining unit.⁸ The following month, the Union filed a grievance concerning the applicability of the 2009 MOA to that employee, given the existence of the 2020 MOA.⁹ FEMS denied the grievance, asserting inarbitrability based on management rights.¹⁰ On March 4, 2024, FEMS initiated the instant case, requesting that the Board clarify that the employee in question is within the IAFF bargaining unit.

Meanwhile, IAFF’s grievance went to arbitration in May 2024. During the pendency of arbitration, PERB held this unit clarification case in abeyance. The Arbitrator issued an award on August 1, 2024, finding that the matter was arbitrable, holding that FEMS violated the 2020 MOA when it promoted the employee in question, and ordering the Agency to remove her from the sworn position.¹¹ On August 22, 2024, FEMS filed an arbitration review request with PERB, asserting that the Arbitrator exceeded her jurisdiction and the Award was contrary to law and public policy. PERB denied the request on December 19, 2024.

On January 21, 2025, FEMS appealed PERB’s denial of the arbitration review request to the D.C. Superior Court, which denied the appeal on January 27, 2026.¹² The related arbitration review request proceedings having concluded, PERB lifted the abeyance in this case on February

³ Petition at 5.

⁴ Petition at 2.

⁵ Petition at 2.

⁶ 2009 MOA at 1.

⁷ 2020 MOA at 1.

⁸ Answer at 6-7.

⁹ Answer, Exhibit 3 at 4.

¹⁰ Answer, Exhibit 3 at 4.

¹¹ Answer, Exhibit 3 at 20.

¹² *Fire and Emergency Medical Services Department v. Public Employee Relations Board*, Case No. 2025-CAB-345.

25, 2026.¹³ On June 8, 2026, at PERB's direction, FEMS refiled its Petition to reflect procedural developments. IAFF filed its Answer on June 22, 2026.

III. Discussion

The Board has established that the doctrine of *res judicata* or claim preclusion prevents relitigation of the same claim between the same parties.¹⁴ The District of Columbia Court of Appeals has explained that a final arbitration award is *res judicata* in a subsequent action involving the same parties and facts, adding that an arbitration award is final if it shows an intention to resolve the issues submitted and has been confirmed by the D.C. Superior Court.¹⁵

Here, the Petition raises claims which are duplicative of those already resolved through arbitration and confirmed by the D.C. Superior Court. The court upheld the Board's decision not to overturn the Award—an Award which ordered FEMS to remove the employee in question from her sworn position, thereby precluding her from inclusion in the bargaining unit. Thus, the Petition is barred by the doctrine of *res judicata*.

IV. Conclusion

The Petition is hereby Dismissed.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Petition for Unit Clarification is denied; and
2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By vote of Board Chairperson Peter Winkler and Members Lee Clark, Mary Anne Gibbons, Renee Bowser, and Douglas Warshof.

July 16, 2026

Washington, D.C.

¹³ On June 2, 2026, the employee who is the subject of this case filed a motion to intervene. The denial of the Petition renders that motion moot.

¹⁴ *Peterson v. WTU, Local 6*, 64 D.C. Reg. 74, Slip Op. No. 1596 at 7, PERB Case No. 12-S-01 (2017).

¹⁵ *Id.* at 8 (citing *Shore v. Groom Law Group*, 877 A.2d 86, 95-96 (D.C. 2005)).

APPEAL RIGHTS

A final decision by the Board may be appealed to the District of Columbia Superior Court pursuant to D.C. Official Code §§ 1-605.2(12) and 1-617.13(c), which provides 30 days after a decision is issued to file an appeal.