

Notice: This decision may be formally revised within thirty days of issuance 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:	)	
	)	
Washington Teachers Union	)	
	)	
Complainant	)	
	)	PERB Case No. 24-U-19
v.	)	
	)	Opinion No. 1930
District of Columbia Public Schools	)	
	)	Motion for Reconsideration
Respondent	)	
_____	)	

DECISION AND ORDER

On July 19, 2025, the District of Columbia Public Schools (DCPS) filed a Motion for Reconsideration (Motion) of the Board’s decision in Opinion No. 1920. DCPS requests that the Board reconsider its decision finding a refusal to bargain in good faith in violation of D.C. Code § 1-617.04(a)(5). The Washington Teacher’s Union (WTU) filed an Opposition to the Motion.

For the reasons discussed herein, the Motion for Reconsideration is denied.

Standard of Review

DCPS claims that the Standard of Review is unclear due to an apparent conflict between the types of arguments the Board will accept for review. DCPS cites to cases where the Board articulated a standard that forecloses review of arguments previously raised, considered, and rejected, and denies review of new arguments presented for the first time in a motion for reconsideration. DCPS asserts that “PERB case law is not clear regarding the standard of review regarding new arguments or previously made arguments in a reconsideration motion.”¹

¹ Motion at n.1.

In Opinion 1889,² the Board explained that DCPS conflated two distinct analyses of arguments presented in motions for reconsideration—(1) the Board will deny motions for reconsideration based on arguments made, considered, and rejected³ in the initial decision; and (2) the Board will deny motions for reconsideration that seek to present new evidence.⁴ These are not contradictory standards, but rather two complementary grounds for dismissal of a motion for reconsideration. Nevertheless, in the aggregate, the standard for review may have become unclear as to what arguments may be presented in a motion for reconsideration.

Therefore, the Board will clarify the standard of review in the instant case.

The standard for a motion for reconsideration is clear error.⁵ The moving party must provide authority which compels reversal of the initial decision.⁶ Motions that do not provide a basis to compel reversal of an initial decision will be rejected and the motion for reconsideration will be denied.

Discussion

DCPS seeks reconsideration of the board's decision on the basis that it failed to address the exceptions to the hearing examiner's report and recommendations.⁷ However, the Board detailed DCPS's Exceptions and rejected them. Thereafter, the Board adopted the factual findings of the hearing examiner and determined that the recommendation was based on the totality of circumstances and was reasonable and consistent with precedent.

As the Board stated:

The Hearing Examiner's determinations—that DCPS withdrew its declarations of non-negotiability after WTU filed negotiability appeals, failed to provide explanations to WTU regarding non-negotiability, refused to explore and discuss WTU's position to determine intent and meaning, declared provisions that appeared [in] the prior CBA to be non-negotiable for the successor CBA, and disregarded the existence of PERB precedent dealing with proposals similar to those that DCPS declared non-negotiable—collectively indicated bad faith bargaining. The Hearing Examiner's consideration of these factors and overall determination was reasonable, supported by the record, and consistent with Board precedent.⁸

² *Samatha Brown v. DCPS*, 71 D.C. Reg. 16160, Slip Op. No. 1889 at n.15, PERB Case No. 22-U-16 (2024).

³ *Id.*

⁴ *Id.*

⁵ *FOP/DOC Labor Comm. v. MPD*, 59 D.C. Reg. 7165, Slip Op. No. 1233 at 4, PERB Case No. 11-E-01 (2012).

⁶ *AFSCME, District Council 20 v. OSSE*, 65 D.C. Reg. 11554, Slip Op. No. 1679 at 3, PERB Case No. 17-N-04(a) (2018).

⁷ Motion for Reconsideration at 4.

⁸ *WTU v. DCPS*, Slip Op. No. 1920 at 8, PERB Case No. 24-U-19 (2025) (citing *WTU, Local 6 v. DCPS*, 65 D.C. Reg. 7474, Slip Op. No. 1668 at 6, PERB Case No. 15-U-28 (2018); *AFGE, Local 1403 v. D.C. OAG*, 59 D.C. Reg. 3511, Slip Op. No. 873, PERB Case No. 05-U-32 and 05-UC-01 (2012)).

DCPS has not provided any authority that would compel the Board to reach a different result. Absent such authority, the Board will not overturn its decision.⁹ Therefore, the Motion is denied.

ORDER

IT IS HEREBY ORDERED THAT:

1. DCPS's Motion for Reconsideration is hereby 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 Douglas Warshof and Members Renee Bowser, Mary Anne Gibbons and Peter Winkler.

October 16, 2025

Washington, D.C.

⁹ *FOP/MPD Labor Comm. v. MPD*, 60 D.C. Reg. 12058, Slip Op. No. 1400 at p. 6, PERB Case No. 11-U-01 (2013).