

GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of:)	
)	
The University of the District of Columbia Faculty Association/National Education Association,)	PERB Case No. 85-A-01
)	Opinion No. 124
Petitioner,)	
)	
and)	
)	
The University of the District of Columbia,)	
)	
Respondent.)	

DECISION AND ORDER

On April 4, 1983 and October 12, 1983, Dr. Connie Ross filed grievances against her employer, the University of the District of Columbia (UDC). They involved various aspects of the action that was taken regarding grievant's request for a salary increase and a promotion. These grievances went to arbitration, and an award was issued on September 12, 1984.

Grievant appealed the award to this Board. PERB Case No. 85-A-01, the Board remanded the case to the arbitrator, finding that he had ruled on one of the two grievances but not on the other. PERB Opinion No. 98, issued January 11, 1985, sets out the fuller facts in this case.

After obtaining additional data from the parties, the arbitrator issued, on April 1985, a Final Opinion and Award on Remand. This second award has now been brought before the Board again, this time with objections being made to it both by the District of Columbia Faculty Association/NEA (UDCFA), on behalf of grievant, and by UDC. UDCFA contends that the arbitrator has still not considered all the issues in dispute, and is appealing especially from his refusal to promote Dr. Ross. UDC protests the arbitrator's directing that she be given a merit pay increase, and also his ruling that an evaluation profile and memorandum be removed from the grievant's record.

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The Board is denying these appeals. Both grievance claims have now been thoroughly considered by the arbitrator. His fashioning of an appropriate remedy is consistent with the procedures specified in the collective bargaining agreement. His decision does not come within the statutory provision, Section 1-605.2 of the District of Columbia Code (1981), that "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."

O R D E R

IT IS ORDERED THAT:

The Arbitration Review Request be denied.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD
October 2, 1985.