

GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of:

The American Federation of Government
Employees, Local 1550, AFL-CIO,

Petitioner,

and

The District of Columbia Office of
Labor Relations and Collective
Bargaining,

Respondent.

PERB Case No. 85-U-19
Opinion No. 122

DECISION AND ORDER

On May 22, 1985, the American Federation of Government Employees AFL-CIO (AFGE) filed an Unfair Labor Practice Complaint (ULP) against the Mayor of the District of Columbia and the Office of Labor Relations and Collective Bargaining (OLRCB). The Complaint alleged that the District Government violated Sections 1-618.4(a)(1) and (5) of the Comprehensive Merit Personnel Act (CMPA) during its negotiations with Compensation Units 1 and 2 by alleging serious financial difficulties which would lead to a major reduction in the work force unless the Union made major concessions. AFGE claims that the District deliberately and intentionally misrepresented its financial condition by 41 million dollars. AFGE contends that the Union agreed to a contract that it would not have if it had not been misinformed by the District. AFGE states that it learned of the misrepresentation in a May 7, 1985, newspaper article in which Mayor Barry was quoted as saying that the District expects to receive 41 million dollars in unanticipated revenues.

AFGE seeks a Board Order instructing the parties to renegotiate the Compensation Agreement with any settlement retroactive to October 1, 1984. It also requests the Board to order the District Government to post a Notice that it will bargain in good faith and will make available all known financial information without misrepresentation.

On June 6, 1985, the OLRCB filed an Answer to the Complaint denying that it engaged in any misrepresentation of its financial condition during the negotiations. It further contends that all the Unions in Compensation Units 1 and 2 including AFGE were given all appropriate public documents concerning fiscal and budgetary conditions. OLRCB further states that the Unions were given full opportunity to review and to inquire into various aspects of the District's budget. OLRCB requests that the petition be dismissed.

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The records indicate that on June 6, 1984, the District made a budget presentation to the Unions which included charts of expenditures, revenue and budget gaps projected to occur by fiscal year 1989.

The budget is an estimate of the Employer's expected income and expenses. There has been no evidence direct or indirect presented or adduced to suggest that the Employer deliberately or intentionally misrepresented its financial position to AFGE. AFGE was given an opportunity to inspect the Employer's records and to request additional information. AFGE did request additional information which was supplied by the Employer. Thus, AFGE's contention that the Employer misrepresented its financial condition is without merit. Accordingly, the Complaint should be dismissed.

O R D E R

IT IS ORDERED THAT:

The Complaint be dismissed.

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