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**Government of the District of Columbia
Public Employee Relations Board**

In the Matter of:)	
)	
American Federation of Government Employees, Local 1000)	PERB Case Nos. 13-U-07
)	
Complainant,)	
)	Opinion No. 1671
v.)	
)	
District of Columbia)	
Department of Employment Services)	
)	
Respondent)	

DECISION AND ORDER ON REMAND

This case comes before the Board on remand from the Superior Court.¹ Complainant American Federation of Government Employees, Local 1000 (“AFGE Local 1000”) filed an unfair labor practice complaint (“Complaint”) against the District of Columbia Department of Employment Services (“DOES”) alleging that DOES violated D.C. Official Code §§ 1-617.04(a)(1) and (5) by unilaterally implementing a dress code policy (“2012 Dress Code”) without first engaging in substantive bargaining, and by failing to engage in good faith bargaining over the impact and effects of and procedures concerning the implementation of the 2012 Dress Code (“I&E bargaining”).² At issue in this case is whether DOES’s 2012 Dress Code falls within the management rights provisions of the CMPA.

¹ PERB Op. No. 1578 was issued on June 9, 2016. That decision was appealed to the D.C. Superior Court on July 5, 2016. PERB subsequently moved the court to voluntarily remand the case back to PERB to clarify its initial decision. The court granted that motion on April 14, 2017 without addressing the underlying merits of PERB Op. No. 1578.

² See *Am. Fed’n of Gov’t Emp., Local 631, et al. v. D.C. Gov’t, et al.*, 62 D.C. Reg. 14666, Slip Op. No. 1541, PERB Case No. 09-U-31 (2015).

ORDER

The Board hereby VACATES its decision and order in PERB Op. 1578 and orders this case to be heard by a hearing examiner to develop a factual record regarding:

1. The Complainant's assertion that the "implementation of a dress code or any material change to an existing dress code" is not directly and integrally related to the accomplishment of the mission of the agency and therefore "a mandatory subject of bargaining."
2. The Respondent's assertion that the "establishment of the dress code policy falls squarely within the statutory management right to direct employees" and "to determine the agency's internal security practices."

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By unanimous vote of Board Chairperson Charles Murphy, and Members, Ann Hoffman, Douglas Warshof, Barbara Somson, and Mary Ann Gibbons.

June 20, 2018
Washington, D.C.

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 13-U-07, Op. No. 1671 was sent by File and ServeXpress to the following parties on this the 16th day of July, 2018.

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