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GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of:)	
)	
Washington Teachers' Union,)	
Local 6, AFT,)	
)	
Complainant,)	PERB Case No. 95-U-24
)	Opinion No. 477
v.)	
)	
District of Columbia)	
Public Schools,)	
)	
Respondent.)	

DECISION AND ORDER^{1/}

The facts and issues that gave rise to this case are set out by the Hearing Examiner in her Report and Recommendation.^{2/} The Hearing Examiner found that Complainant Washington Teachers' Union, Local 6, AFT (WTU), failed to prove that the District of Columbia Public Schools (DCPS) committed unfair labor practices in violation of the Comprehensive Merit Personnel Act (CMPA) as codified under D.C. Code § 1-618.4(a)(1), (3), (4) and (5). Specifically, the Hearing Examiner found that the Complainant did not establish that DCPS failed to bargain in good faith, upon request, with WTU on the impact and implementation of closing and restructuring Ballou and Cardoza Senior High Schools. (R&R at 5-6.)^{3/} Furthermore, the

^{1/} Board Member Leroy Jenkins did not participate in the consideration or disposition of this case.

^{2/} The Hearing Examiner's Report and Recommendation is attached as an appendix to this Opinion.

^{3/} DCPS had raised a threshold issue as to whether or not this matter was properly before the Board since WTU had initiated a Step III grievance alleging that DCPS' decision to restructure and redesign Ballou and Cardoza Senior High Schools violated certain provisions of the parties' collective bargaining agreement. The Hearing Examiner ruled that WTU's claim that DCPS breached its duty to bargain in good faith over the impact and implementation of

(continued...)

Hearing Examiner concluded that the evidence failed to establish that DCPS interfered with or retaliated against any bargaining unit employee on the basis of their activity or relationship with WTU. Based on her findings and conclusion, the Hearing Examiner recommended that the Complaint be dismissed in its entirety.

No exceptions were filed by either party to the findings, conclusions and recommendations made by the Hearing Examiner.

Pursuant to D.C. Code Sec. 1-605.2(3) and Board Rule 520.14, the Board has reviewed the findings and conclusions of the Hearing Examiner and find them to be reasonable, persuasive and supported by the record. We therefore adopt the recommendations of the Hearing Examiner and dismiss the Complaint.

ORDER

IT IS HEREBY ORDERED THAT:

The Complaint is dismissed.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD
Washington, D.C.

August 14, 1996

³(...continued)
its decision raised a statutory issue properly before the Board, separate from the alleged contractual violations.