

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of:

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

Petitioner,

and

The District of Columbia Nurses  
Association,

Respondent.

PERB Case No. 85-U-11  
Opinion No. 109

DECISION AND ORDER

On January 3, 1985 the District of Columbia Office of Labor Relations and Collective Bargaining (OLRCB) filed an Unfair Labor Practice Complaint (ULP) with the District of Columbia Public Employee Relations Board (Board) against the District of Columbia Nurses Association (DCNA). The Complaint alleges that the DCNA, in its compensation negotiations with the OLRCB violated Section 1704(b)(3) of the District of Columbia Comprehensive Merit Personnel Act (CMPA) (D.C. Code Section 1-618.4(b)(3)) and PERB Rule 102.1 by refusing to bargain in good faith.

Specifically the OLRCB alleges that DCNA "engaged in surface bargaining during negotiations with the objective of reaching an impasse culminating in arbitration if its demands were not agreed to". It also charges that DCNA, through its action of initialing the agreed upon items, led OLRCB to make its final best offer when DCNA had no intention of actively supporting the approval of the agreement by its membership.

On January 11, 1985 DCNA filed its "Response" denying the allegations and asking the Board to dismiss the Complaint. It contends that during negotiations DCNA made several proposals and counter proposals which included the dropping of several of its original demands. DCNA states that on December 17, 1985, when faced with management's final offer DCNA told management it would not take a position, but would present the offer to its membership and allow them to accept or to reject it.

The issue before the Board is whether DCNA violated its duty to bargain in good faith during negotiations by its refusal to support ratification of management's final offer.

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The parties began negotiating in July 1984. The present three-year agreement has a September 30, 1984 expiration date. It was during a period of mediation on December 17, 1984, that OLRCB made a final offer for settlement. The DCNA does not deny that it initialed the final offer of management. It does contend that it did not accept the offer but made it clear to management that it would present the proposal to its membership without any recommendation from the bargaining team. The membership subsequently rejected the offer.

There is no evidence to show that the parties agreed to a procedure whereby initialing an offer would obligate the DCNA to recommend ratification of the agreement to its membership. The Board finds that there is insufficient evidence to support the alleged violations claimed.

O R D E R

IT IS ORDERED THAT:

The Complaint is dismissed.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD  
May 8, 1985