

GOVERNMENT OF THE DISTRICT OF COLUMBIA

PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of Binding
Interest Arbitration

between

The Fraternal Order of Police
Metropolitan Police Department
Labor Committee,

and

The District of Columbia Metropolitan
Police Department.

PERB Case No. 85-A-04
Opinion No. 114

DECISION AND ORDER

The background of this case is set out in Opinion No. 103, PERB Case No. 85-I-06, issued March 12, 1985. The Board directed there that the contract dispute between the Metropolitan Police Department (MPD) and the Fraternal Order of Police Metropolitan Police Department Labor Committee (FOP) be referred to final and binding arbitration under the provisions of Section 1-618.2 and 1-618.17 of the Comprehensive Merit Personnel Act.

The Arbitration Panel issued its compensation package award, in two parts, on May 16 and May 21, 1985. The Panel directed that "the Union's last best compensation offers be entered as a package into the Labor Agreement between the (parties)... for the effective period Fiscal Years 1985-1987 for approval by the appropriate officials in the District of Columbia Government."

On June 10, 1985, the MPD filed with the Board an Arbitration Review Request seeking review of the Arbitration Award. The FOP filed its Opposition to Request for Review on June 14, 1985. The Board met in special session on June 19, 1985 to consider and decide this matter.

A preliminary question is raised by the FOP regarding the Board's jurisdiction here. The statute is silent on this point. In the Board's unanimous view, however, the legislative intent is clear, and there

will be no justification for denying in "interest arbitration" cases the review that is accorded "grievance arbitrations." It is relevant that in its March 12, 1985, decision the Board explicitly retained jurisdiction in this case.

A second question arises as to the review standards to be applied by the Board in cases of this kind. The standards are clearly established by the statutes for the review of grievance arbitration awards. Section 1-605.2 permits review, and the overturning of an award, "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...." These are also the standards uniformly accepted for the administrative or judicial review of arbitration awards. The Board considers these standards applicable in this case and this position is reflected in the statement filed by both parties.

The Board has reviewed in detail each of the several allegations by the MPD regarding the defectiveness of the Arbitration Panel Award. In the judgment of the majority of the Board, these allegations reflect only disagreement with the Arbitration Panel regarding the merits of the issues presented to it. We find that in no respect did the Panel exceed its jurisdiction or reach a conclusion that is on its face contrary to law and public policy. There is no evidence or charge of fraud or collusion.

O R D E R

It is ordered that the Request for a Review by the Board of the Arbitration Award in PERB Case No. 85-I-06, Compensation Package, is denied.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

June 28, 1985