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GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of:)

American Federation of)
Government Employees, AFL-CIO;)
American Federation of State,)
County and Municipal Employees,)
D.C. Council 20, AFL-CIO;)
National Association of)
Government Employees, SEIU, AFL-)
CIO; International Brotherhood of)
Police Officers, AFL-CIO;)
Communication Workers of America;)
Laborers International Union;)
Service Employees International)
Union, District 1199E-DC, AFL-)
CIO; the Fraternal Order of)
Police; and their respective)
locals representing collective)
bargaining units in Compensation)
Unit 1 and 2,)

Complainants,)

v.)

Government of District of)
Columbia, et al.,)

Respondent.)

PERB Case No. 97-U-01
Opinion No. 502

ORDER

On November 5, 1996, the Board issued an Order, Slip Opinion No. 500, in the above-captioned case. The Board's Order, in relevant part: (1) granted the Complainants' Motion for preliminary relief; (2) restored the status quo, as of September 30, 1996, in the parties' existing terms and conditions of employment; and (3) directed that the parties proceed with the mediation/arbitration impasse process, as provided under D.C. Code § 1-618.17(f), pending the outcome of the final decision in this case. The Executive Director then proceeded to schedule the previously filed Unfair Labor Practice Complaint (Complaint) for hearing.

Order

PERB Case No. 97-U-01

Page 2

On November 15, 1996, Complainants filed a Motion to hold the scheduling of the hearing in this case in abeyance pending the completion of mediation and, if necessary, arbitration.^{1/} Respondent filed an Answer to the Motion and a Motion to Dismiss Complainants' Unfair Labor Practice Complaint. Respondent takes "no position" on the Complainants' request to hold its Complaint in abeyance. Respondent states, however, that the mediation/arbitration process will result in either a mediated or arbitrated agreement and thereby render the Complaint moot.

While we do not agree that the culmination of the impasse resolution procedures provided under D.C. Code § 1-618.17(f) will necessarily render moot all the allegations contained in the Complaint and its subsequent amendments, we find there is a significant, but not complete, overlap in the issues raised by the two proceedings. Suspending the unfair labor practice proceeding pending the completion of the impasse resolution request in PERB Case No. 96-I-01 may resolve coincident issues and is therefore warranted, absent any objection from the Respondent.

On consideration of these Motions and our findings above,

IT IS HEREBY ORDERED THAT:

1. The Complainants' Motion to Hold Hearing in Abeyance pending the Completion of Mediation/Arbitration, is granted.
2. The Respondent's Motion to Dismiss is denied.^{2/}

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

December 6, 1996

^{1/} In view of our disposition of the Complainants' Motion to hold this matter in abeyance, there is no need to consider the Complainants' alternative Motion to set a briefing schedule.

^{2/} In view of our denial of Respondent's Motion, there is no need to extend to the Complainants an opportunity to respond to the Motion in accordance with Board Rule 553.2.