

Notice: This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any formal errors so that they may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

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

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| _____ |) | |
| In the Matter of: |) | |
| |) | |
| District of Columbia |) | |
| Metropolitan Police Department, |) | |
| |) | PERB Case No. 00-A-01 |
| Petitioner, |) | |
| |) | Opinion No. 625 |
| and |) | |
| |) | |
| Fraternal Order of Police, Metropolitan |) | |
| Police Department Labor Committee |) | |
| (on behalf of Grievant Charles Sims) |) | |
| |) | |
| Respondent. |) | |
| _____ |) | |

DECISION AND ORDER

On November 24, 1999, the District of Columbia Metropolitan Police Department (MPD), filed an Arbitration Review Request (Request). MPD seeks review of an arbitration award (Award) which rescinded the termination imposed on a bargaining unit employee. MPD contends that the Arbitrator's Award is contrary to law and public policy. The Fraternal Order of Police, Metropolitan Police Department (FOP) opposes the Request, arguing that MPD has failed to present statutory grounds for review.

The issue before the Board is whether "the award on its face is contrary to law and public policy. . . ." D.C. Code Sec. 1-605.2(6). Upon consideration of the Request, we find that MPD has not established a statutory basis for our review. Therefore, pursuant to Board Rule 538.4, MPD's request for review is denied.

MPD terminated the Grievant, a police officer, for: (1) conduct unbecoming an officer; (2) use of a firearm; and (3) willfully and knowingly making an untruthful statement. (Award at pages 3 and 4). The Arbitrator determined that the Grievant's termination was in violation of the procedural rights guaranteed to him by the parties' collective bargaining agreement (CBA). (Award at page 15). Specifically, the Arbitrator concluded that MPD failed to issue a written decision within fifty-five days after charges were filed. As a result, he rescinded the termination and reinstated the

Grievant. Id.

MPD takes issue with the Arbitrator's Award. The Arbitrator's ruling, was based on his determination that MPD's decision should have been issued within fifty-five days of the completion of the Grievant's criminal matter. MPD asserts that the fifty-five days should have started to run from the date of the hearing.^{1/} MPD contends that the Arbitrator's ruling on its face is contrary to law and public policy. However, MPD fails to identify a specific law or public policy which has been violated. Therefore, the essence of MPD's request for review is its disagreement with the Arbitrator's interpretation of Article 12, Section 6 of the CBA.

We have previously determined that a disagreement with an Arbitrator's calculation of the fifty-five day time limit, is not a sufficient basis for concluding that an Award is contrary to law or public policy, or that the arbitrator exceeded his jurisdiction. See, D.C. Metropolitan Police Department and FOP/MPD Labor Committee, 31 DCR 4159, Slip Op. No. 85 at p. 2, PERB Case No. 84-A-05 (1984). In addition, we have held that by agreeing to arbitration, it is the Arbitrator's decision for which the parties' have bargained. D.C. Metropolitan Police Department and FOP/MPD Labor Committee, 39 DCR 6232, Slip Op. No.282, PERB Case No. 87-A-04 (1992). See also, University of the District of Columbia and UDC Faculty Association/NEA, 39 DCR 9628, Slip Op. No. 320, PERB Case No. 92-A-04 (1992). Also, we have found that by submitting a matter to arbitration, the parties agree to be bound, not simply by the Arbitrator's decision, but by his interpretation of the agreement. Council of School Officers and D.C. Public Schools, 33 DCR 2392, Slip Op. No. 136, PERB Case No. 85-A-05 (1986). We find that the Arbitrator's conclusions are based on a thorough analysis and cannot be said to be clearly erroneous or contrary to law and public policy. In the instant case, MPD disagrees with the Arbitrator's conclusion. This is not a sufficient basis for concluding that the Award is contrary to law or public policy. For the reasons discussed, no statutory basis exist for setting aside the Award; the Request is therefore, denied.

ORDER

IT IS HEREBY ORDERED THAT:

The Arbitration Review Request is denied.

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

April 3, 2000

^{1/} MPD notes that the written decision was issued thirty-six days after the conclusion of the hearing. (Request at p.4).

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 00-A-01 was served, via (U.S. Mail), on the following parties on this 3RD day of April, 2000.

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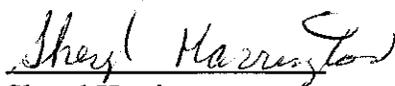
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