

GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of:

Members of AFGE, D.C. Local 631
Bureau of Wastewater Treatment Branch,

v.

AFGE, D.C. Local 631
American Federation of Government
Employees

PERB Case No. 88-U-07
Opinion No. 230

DECISION AND ORDER

On November 5, 1987, an unfair labor practice complaint in the above-captioned matter was filed with the District of Columbia Public Employee Relations Board (Board). The Complainants, who identify themselves as "Members of AFGE, D.C. Local 631," state that they are employed by the Department of Public Works (DPW) in the Bureau of Wastewater Treatment.¹ Complainants allege that their exclusive bargaining representative, the American Federation of Government Employees, Local 631 (AFGE) violated the Comprehensive Merit Personnel Act of 1978 (CMPA), D.C. Code Sections 1-618.4(b)(1), (2) and (3).

Specifically, the Complainants allege that AFGE: (1) delayed for eight months the filing of a grievance regarding DPW's contracting-out procedures; (2) failed to cite in the grievance specific violations by DPW of the collective bargaining agreement; (3) failed to obtain a copy of a court-ordered consent decree for the purpose of determining the validity of management's response concerning its contractual arrangements with a private contractor; (4) denied requests by employees for copies of the collective bargaining agreement; (5) conspired with the District Government to conceal facts surrounding the demotion of four employees; and (6) failed to properly represent the interests of certain bargaining unit members in an action against the District Government for retroactive promotions.

¹/ The Complaint is signed by Fred L. Coger, George Thompkins and Wilburt Johnson.

Decision and Order
PERB Case No. 88-U-07
Page 2

As relief, the Complainants request that (1) the Board issue an order requiring the parties to appear at a hearing before the Board concerning the facts of this dispute and (2) that the Board "initiate the appropriate action as may be required to alert...D.C. Government authorities consistent with the need to protect the rights of District employees and the interests of the general public in accordance with federal and District law."

On November 23, 1987, Roscoe Grant, Jr., President of AFGE, Local 631, submitted a letter in response to the Complaint. Mr. Grant contends that the Complaint is time-barred by Board Rule 103.1 and should be dismissed. We agree.

Board Rule 103.1 states in relevant part that: "[a] complaint filed by an individual without assistance from or representation by a labor organization...must be filed within one hundred twenty (120) days of the alleged violation." The Board finds that each claim presented by the Complainants is premised on conduct occurring between 1982 and 1986. The Complaint, however, was not filed until November 5, 1987. In the absence of any assertions of conduct prohibited by the CMPA during the 120-day period prior to filing the complaint, the Board is compelled to find that this complaint is untimely.

Accordingly, the Complaint is dismissed.

O R D E R

The Unfair Labor Practice Complaint is hereby dismissed.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD
Washington, D.C.
June 9, 1989