

On January 2, 2019, the Arbitrator issued an Award that ordered MPD to reinstate the Grievant, with back pay and lost job benefits, and a reduction of the termination to a suspension of thirty (30) days.

On January 22, 2019, MPD filed an arbitration review request (Request) seeking review of the Award. In its Request, MPD argued that the Award was contrary to law and public policy. FOP opposed the Request.

The Board found that MPD's Request did not meet the requirements for reversing the Award. Specifically, the Board found that MPD failed to show that the Award violated an explicit well-defined public policy grounded in law or legal precedent. Accordingly, the Board found no cause to modify, set aside, or remand the Award.

Thereafter, MPD filed a Petition for Review in D.C. Superior Court. On May 20, 2020, the Hon. William Jackson entered an order denying MPD's Petition for Review. MPD did not appeal the denial to the Court of Appeals.

On October 19, 2020, FOP filed the instant Petition for Enforcement. FOP contends the MPD has failed to comply with Opinion 1688 by refusing to reinstate Grievant and provide back pay and benefits as required by the Award. FOP is requesting that the Board enforce Opinion 1707 and compel MPD to comply with the terms of the Award.

III. The Union's Entitlement to Relief

The elements for granting a petition for enforcement are present herein. FOP prevailed at arbitration, and MPD filed an arbitration review request. The Board denied MPD's Request and issued Opinion No. 1707. FOP then filed the instant Petition for Enforcement. MPD has admitted the material facts. MPD has not reinstated Grievant or provided back pay and benefits as required. Therefore, MPD has not complied with the Award.

MPD's failure to comply with the terms of the Award is not based on a genuine dispute over the terms of the Award but is rather a flat refusal to comply with it. It is undisputed that the Board's order affirming the Award became final and that MPD did not comply with the Award after an unsuccessful petition for review to D.C. Superior Court. No dispute over the terms of the Award has been raised and no reason for noncompliance has been suggested. Therefore, the Petition for Enforcement is granted. The Board will seek judicial enforcement of Opinion 1707, as provided under D.C. Official Code § 1-617.13(b).

ORDER

IT IS HEREBY ORDERED THAT:

1. The Fraternal Order of Police/Metropolitan Police Department Labor Committee's petition for enforcement is granted.
2. Within fourteen (14) days from the issuance of this Decision and Order, the Metropolitan Police Department shall fully comply with the terms of the Award, if it has not already

done so, and shall notify the Public Employee Relations Board in writing that it has complied.

3. The Board shall proceed with enforcement of Slip Opinion 1707 pursuant to D.C. Official Code §§ 1-605.02(16) and 1-617.13(b) if full compliance with the Award is not made and documented within fourteen (14) days of the issuance of this Decision and Order.

4. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By unanimous vote of Board Chairperson Douglas Warshof, Members Barbara Somson, Mary Anne Gibbons, and Peter Winkler

Washington, D.C.
February 18, 2021

Certificate of Service

This is to certify that the attached Decision and Order in PERB Case No. 21-E-01, Opinion No. 1772 was sent by File and ServeXpress to the following parties on this the 19th day of February 2021.

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/s/ Royale Simms

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