

GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD

_____)
In the Matter of:)
)
The District of Columbia Metropolitan)
Police Department,)
	Petitioner,)
)
and)
)
The Fraternal Order of Police,)
Metropolitan Police Department)
Labor Committee,)
	Respondent.)
)
_____)

PERB Case No. 84-A-06
Opinion No. 97

DECISION AND ORDER

The Board's disposition of this case makes detailing of the facts unnecessary. There is no dispute regarding them.

The Metropolitan Police Department (MPD) has appealed an arbitration award upholding a grievance filed by the Fraternal Order of Police, Metropolitan Police Department Labor Committee (FOP). The effect of the award is to require the MPD to pay eight (8) officers at time-and-a-half for five (5) hours of duty outside their regular working hours, to which they were assigned on January 28, 1984. The MPD requests review of the Award on the ground that it is contrary to the statutory provisions regarding overtime payments.

The case was submitted to the Arbitrator on briefs, both parties waiving a hearing. In the Public Employee Relations Board's (Board) judgment, this has contributed to a relatively superficial consideration of the case. However, after a careful review of the Award the Board finds insufficient basis for granting the request for review and setting aside the Award.

Inadequate account appears to have been given, for example, to the question of whether the situation that arose may have called for compensatory time rather than for an overtime payment. The record leaves unanswered certain questions regarding the intended application of the various statutory rules and the practice that has been followed in the past in comparable situations. The handling of the case was affected, at least in its early stages, by the fact that such small amounts of time and money were involved. The largest expressed concern is about the precedential effect of the Award.

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What is most important is to make it clear that in the Board's view the handling of this case has been such that it is not entitled to have any precedential effect in the future. No similar case should arise if proper and normal reassignment practices are followed. If they are not, and if there is a recurrence of this situation, the Board will consider it an open question whether the appropriate compensation is overtime payment or compensatory time, and whether an arbitration award of one kind or another is consistent with the applicable statutory provisions.

O R D E R

IT IS ORDERED THAT:

The request for a review by the Board of the arbitration award is denied. This order is not to be considered as having precedential effect in any future case involving claimed overtime or compensatory time.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD
January 8, 1985