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

In the Matter of:)	
)	
Fraternal Order of Police, Metropolitan)	
Police Department Labor Committee)	
(on behalf of Grievant Cathy Hassell))	
)	PERB Case No. 00-A-02
Petitioner,)	
)	Opinion No. 626
and)	
)	
District of Columbia)	
Metropolitan Police Department)	
)	
Respondent.)	
)	

DECISION AND ORDER

On December 1, 1999, the Fraternal Order of Police, Metropolitan Police Department (FOP), filed an Arbitration Review Request (Request). FOP seeks review of an arbitration award (Award) which denied a grievance filed on behalf of two bargaining unit employees.^{1/} FOP contends that the: (1) Award is contrary to law and public policy, and (2) Arbitrator exceeded her authority. The Metropolitan Police Department (MPD) opposes the Request, arguing that FOP 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” or whether “the arbitrator was without or exceeded, her jurisdiction. . . .” D.C. Code Sec. 1-605.2(6). Upon consideration of the Request, we find that FOP has not established a statutory basis for our review. Therefore, pursuant to Board Rule 538.4, FOP’s request for review is denied.

Detective Hassell (Grievant) and Officer Haley were suspended for ten days and seven days, respectively. MPD suspended the Grievant for: conduct unbecoming an officer which would “affect adversely the employee’s or the agency’s ability to perform effectively” (Award at page 5). The Arbitrator denied the grievance. She determined that the respective suspensions for Detective

^{1/} The Award concerned two bargaining unit employees. However, the Arbitration Review Request is only seeking review of Detective Hassell’s grievance.

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Hassell and Officer Haley were “appropriate and with just cause”. (Award at p. 13). FOP takes issue with the Arbitrator’s ruling.

The Grievant was charged with a violation of MPD General Order 201.26, Part 1, A, 1. This General Order states, in part, that “[i]t is the duty and responsibility of each member of the police force to preserve the peace, protect life and property, prevent crime, apprehend criminals, recover lost and stolen property, and enforce all laws....” (Request at page 2). The arbitrator found that the Grievant had “the duty and the responsibility to investigate and to inquire suspicious or unusual situations and circumstances, and that it was the breach of this duty that was the basis for the charge.” *Id.* FOP asserts that General Order 201.26, Part 1, A, 1, places no duty to investigate and inquire on police officers. Therefore, FOP argues that the Grievant was penalized for violating a duty that does not exist in the General Order. As a result, FOP contends that the Arbitrator’s Award is contrary to law and public policy. However, FOP fails to identify a specific law or public policy which has been violated. Instead, they claim that the ruling makes a “mockery of the entire system of charges and specifications.” (Request at p.3). In light of the above, FOP’s ground for review involves only interpretation of an MPD General Order. Moreover, FOP merely requests that we adopt its interpretation of the disputed General Order.

We have held that “disagreement with the arbitrator’s interpretation ... does not make the award contrary to law or public policy.” See, AFGE, Local 1975 and Dept of Public Works, Slip Op. No.413, PERB Case No. 95-A-02 (1995). To set aside an award as contrary to law and public policy, the Petitioner must present applicable law and definitive public policy that mandates that the arbitrator arrive at a different result. See, AFGE, Local 631, AFL/CIO and Dept of Public Works, 45 DCR 6617, Slip Op. No. 365, PERB Case NO. 93-A-03 (1993). In the instant case, FOP’s contention involves only a disagreement with the Arbitrator’s interpretation of an MPD General Order. In addition, FOP has failed to cite any law or public policy which mandates that the Arbitrator arrive at a different result.

In its second ground for review, FOP argues that the Arbitrator exceeded her authority by finding misconduct based on charges other than those brought. (Request at p. 3). In reaching her conclusion, the Arbitrator interpreted a contract provision and MPD regulation. We have held that an arbitrator’s authority is derived “from the parties’ agreement and any applicable statutory and regulatory provision.” D.C. Dept of Public Works and AFSCME, Local 2091, 35 DCR 8186, Slip Op. No. 194, PERB Case No. 87-A-08 (1988). 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 determined that by submitting a matter to arbitration, “the parties agree to be bound by the Arbitrator’s interpretation of the parties agreement and related rules and regulations as well as [her] evidentiary findings and conclusions upon which the decision is based.” University of the District of Columbia and University of the District of Columbia Faculty Association, 39 DCR 9628, Slip Op. No. 320 at p.2, PERB Case No. 92-A-04 (1992). Therefore, no basis exists for finding that the

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Arbitrator was without or exceeded her authority by making such an interpretation of this MPD General Order.

Given the authority of the Arbitrator, FOP's Request presents no basis for finding that the Arbitrator's Award is, on its face, contrary to law and 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

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 00-A-02 was served by first class mail, on the following parties on this 3rd day of April, 2000.

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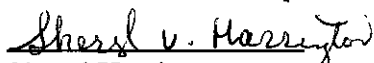
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