

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of

District of Columbia  
Fire Department,

Appellant,

PERB Case No. 82-A-01

and

Opinion No. 30

International Association of  
Firefighters, Local 36,

Grievant.

DECISION AND ORDER

On November 12, 1981, the D.C. Fire Department through the Office of Labor Relations and Collective Bargaining (hereafter OLRCB) filed an Arbitration Review Request with the D.C. Public Employee Relations Board (hereafter Board) seeking a review of an arbitration award by Arbitrator Jacob Seidenberg on October 21, 1981. The arbitrator ruled that the grievance should be sustained and the relief sought awarded. The basis for the appeal is the alleged violation of Section 502(f) of the Comprehensive Merit Personnel Act (CMPA). OLRCB contends that the arbitrator "was without or exceeded his jurisdiction; and that "the award on its face is contrary to law and public policy". On November 30, 1981, Local 36 of the International Association of Firefighters filed its opposition.

A review of the arbitrator's award pursuant to D.C. Code Section 1-605.2(6) leads to the following conclusions:

1. This matter is arbitrable based upon the clear contractual language voluntarily agreed upon by and between the parties. Contractual disputes are, by the terms of the contract, grievable through a grievance mechanism which provides for arbitration as its final step. The negotiated contract defines a grievance as follows:

"A grievance means a complaint by a party or parties that:

- (1) there has been a violation, misapplication or misinterpretation of existing rules, regulations, laws, orders, or common practices resulting in an actual or anticipated unfair or unreasonable personnel action..."

[Emphasis Added]

Since, by its own terms, the negotiated agreement provides for arbitration of disputes involving alleged misinterpretations of law resulting in alleged unfair personnel actions, there appears to be no basis for management's claim that the arbitrator was without or exceeded his authority.

2. The arbitrator's interpretation of the various statutes and legal authorities is based upon a detailed analysis, including a review of the legislative history. There is insufficient evidence to conclude that the arbitrator's analysis and conclusions are either clearly erroneous or contrary to law and public policy.

ORDER

It is ordered that:

The Arbitration Award is hereby sustained and the appeal dismissed.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

February 1, 1982