

Notice: This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any errors so that they may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

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

In the Matter of:)	
)	
District of Columbia Department of Youth Rehabilitation Services,)	
)	
Petitioner,)	PERB Case No. 16-A-02
)	
v.)	Opinion No. 1579
)	
Fraternal Order of Police/Department of Youth Rehabilitation Services Labor Committee,)	
)	
Respondent.)	
)	

DECISION AND ORDER

On November 24, 2015, petitioner D.C. Department of Youth Rehabilitation Services filed an arbitration review request asserting that a supplemental award of attorneys’ fees pursuant to the Back Pay Act, 5 U.S.C. § 5596, was contrary to law and public policy. Citing Board Rule 538.2, the petitioner requested “the opportunity to brief this matter fully for the Board’s further consideration.” Respondent Fraternal Order of Police/Department of Youth Rehabilitation Services Labor Committee moved for a two-week extension of time to file its opposition to the arbitration review request. The motion was granted and the respondent filed its opposition. In the respondent’s opposition, the respondent did not oppose the petitioner’s request for an opportunity to brief this matter.

Board Rule 538.2 as revised effective October 1, 2015, provides, “The Board may issue a Decision and Order requiring the parties to submit additional briefs. The parties will then have fourteen (14) days from the issuance of the Board’s Decision and Order to file briefs concerning the matter.” A petitioner does not need the Board’s permission to file a brief with its arbitration

review request.¹ As additional briefing at this time will assist the Board in its consideration of this arbitration review, petitioner's request is granted.

ORDER

IT IS HEREBY ORDERED THAT:

1. The parties shall submit briefs concerning this matter within fourteen days from the issuance of this Decision and Order.
2. 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 Chairman Charles Murphy and Members Ann Hoffman, Barbara Somson, and Douglas Warshof.

Washington, D.C.

July 27, 2016

¹ *D.C. Pub. Sch. v. Council of Sch. Officers, Local 4 (on behalf of Williams)*, 60 D.C. Reg. 12075, Slip Op. No. 1402 at 3, PERB Case No. 13-A-09 (2013).

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 16-A-02 was issued and served upon the following parties by File and ServeXpress on this the 27th day of July 2016.

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/s/ Sheryl V. Harrington
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Secretary