

GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD

.....
In the Matter of)

The Public Employees Union Coalition)
1411 K Street, N.W.)
Washington, D.C. 20005)

Petitioners)

and)

The Honorable Marion S. Barry, Jr.)
Mayor of the District of Columbia)
District Building, Room 520)
1350 E Street, N.W.)
Washington, D.C. 20004)

District of Columbia Board of Education)
Presidential Building)
415 12th Street, N.W.)
Washington, D.C. 20004)

Board of Trustees)
University of the District of Columbia)
4200 Connecticut Avenue, N.W.)
Building 39, A Level)
Washington, D.C. 20008)

District of Columbia General Hospital Commission)
19th and Massachusetts Avenue, S.E.)
Washington, D.C. 20003)

Board of Library Trustees)
Martin Luther King Memorial Library)
901 G Street, N.W.)
Washington, D.C. 20001)

Armory Board)
2001 East Capitol Street)
Washington, D.C. 20003)
.....

) Case No.
) 80-I-03
) PERB Opinion
) No. 3

DECISION

This case involves a petition by the Public Employees Union Coalition requesting the Board to institute bargaining impasse procedures in the controversy between the unions and the employing agencies of the District of Columbia Government regarding compensation for Fiscal Year 1981. The unions' petition was filed on November 24, 1980, and responses have now been filed by the three principal employing agencies under dates November 25, December 3 and December 4, 1980.

The Board has given this matter expedited consideration in view of the time factors involved. The necessary conclusion, however, requires no complicated analysis. It is clear that the impasse procedures of the 1978 Comprehensive Merit Personnel Act, upon which the unions rely, do not fit this situation.

The Board issued a unit determination involving these parties and this controversy on October 10, 1980. That determination was obviously a preface to bargaining and not in itself a bargaining order. The Board went beyond this formal action, however, to attempt informally to bring the parties together in an effort to get meaningful bargaining started. A series of separate and joint meetings took place. The unions described these as "bargaining" sessions. The employer representatives consistently rejected the "bargaining" description and referred to these meetings as "discussions."

What this series of meetings should be called doesn't matter. It is plain that there has been no real bargaining here, and at least as far as the principal employing agency is concerned, there has been an outright denial of any duty to bargain.

It is not clear why the unions have chosen to bring this matter back to the Board under the impasse procedures of the 1978 Act rather than under the refusal-to-bargain provisions which are set out there. No position as to whether those provisions would be found to have been violated is either expressed or implied here. The Board cannot properly, however, short-circuit the procedures established in the act by insituting an impasse procedure where the duty to bargain issue has not been raised as the act requires.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

December 5, 1980

For the Board by Willard Wirtz, Chairman

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