

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 formal 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:)

AMERICAN FEDERATION OF GOVERNMENT)
EMPLOYEES, LOCAL 3721,)

Complainant,)

PERB Case No. 02-U-22)

Opinion No. 760)

(Withdrawal Request))

v.)

DISTRICT OF COLUMBIA)
DEPARTMENT OF FIRE AND EMERGENCY)
MEDICAL SERVICES,)

and)

OFFICE OF LABOR RELATIONS AND)
COLLECTIVE BARGAINING,)

Respondents.)
_____)

DECISION AND ORDER

This matter involves an unfair labor practice complaint¹ filed by the American Federation of Government Employees, Local 3721² ("Complainant", "AFGE", or "Union"), alleging that the District of Columbia Department of Fire and Emergency Medical Services ("Respondent", "FEMS" or "Agency") and the D.C. Office of Labor Relations ("OLRCB" and

¹ Specifically, AFGE alleged that the Respondents committed an unfair labor practice (ULP) by: (1) failing to inform AFGE that the Financial Responsibility and Management Assistance Authority ("FRMAA" or "Control Board") disapproved the parties' 1995 negotiated agreement; (2) denying AFGE the right to have the 1995 negotiated agreement approved in accordance with D.C. Code §1-617.15; and (3) preventing AFGE from representing its members under the provisions negotiated in the 1995 negotiated agreement.

²The American Federation of Government Employees, Local 3721 represents paramedics at the District of Columbia Department of Fire and Emergency Medical Services.

“Respondent”) violated D.C. Code §1-617.04 (a)(5) (2001 ed.)³

The Respondents denied the allegations. Furthermore, FEMS, through its representative, OLRCB, filed a Motion to Dismiss and asserted, *inter alia*, that AFGE’s complaint should be dismissed because it was not timely filed.

A hearing was held and the Hearing Examiner issued a Report and Recommendation. (R &R). AFGE filed Exceptions to the Hearing Examiner’s R&R and the Respondents filed an Opposition. The Hearing Examiner’s R&R and the parties’ Exceptions and Opposition were before the Board for disposition at the May 2004 meeting. However, the Board tabled the matter and instructed the Board’s staff to research issues that would aid us in reaching a decision.

Subsequently, on June 18, 2004, the Respondents submitted to the Board a letter and Memorandum of Agreement (MOA) requesting that AFGE’s Unfair Labor Practice Complaint be withdrawn because the parties had reached an agreement concerning the matter. ⁴

The Board encourages settlements between parties. Furthermore, the Board has not issued a decision in this matter. Therefore, consistent with the parties’ MOA and Board Rule 520.5, this matter is withdrawn with prejudice. As a result, this case is closed and the Board will take no further action in this matter.

³Throughout this Opinion, all references to the D.C. Code refer to the 2001 edition.

⁴Paragraph 6 of the MOA indicated that either party could submit to the Board a request to withdraw the matter.

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ORDER

IT IS HEREBY ORDERED THAT:

1. The Unfair Labor Practice Complaint in PERB Case No. 02-U-22 is hereby withdrawn with prejudice; the case is closed, and the Board will take no further action concerning this matter.
2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

Washington, D.C.

August 30, 2004

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 02-U-22 was transmitted via Fax and U.S. Mail to the following parties on this 30th day of August, 2004.

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PERB Case No. 02U-22

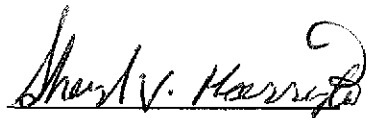
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