

GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of:

The Government of the District of Columbia
Department of Employment Services,

Petitioner,

and

The American Federation of Government
Employees, Local 1000,

Respondent.

PERB Case No. 86-A-02
Opinion No. 145

DECISION AND ORDER

On April 11, 1986 the D.C. Office of Labor Relations and Collective Bargaining (OLRCB), on behalf of the D.C. Department of Employment Services (DES), filed an "Arbitration Review Request" with the D.C. Public Employee Relations Board (Board) seeking review of an arbitration award issued on March 28, 1986. In that Award, the Arbitrator sustained a "class grievance" filed by the American Federation of Government Employees (AFGE) on behalf of approximately 15,000 employees covered by Compensation Units I and II under the collective bargaining agreement between the District government and five labor organizations which was signed on October 10, 1984. The Arbitrator's Award prohibited OLRCB from unilaterally changing the number and composition of the "Joint Labor-Management Health and Life Benefits Committee" established by Article V of the collective bargaining agreement. The Arbitrator's Award also limited participation on the Health and Life Benefits Committee to those labor organizations that had signed the collective bargaining agreement and ordered OLRCB to make its designations to the Committee by April 14, 1986.

OLRCB alleges that the Arbitrator's Award violated the law and public policy because the Award orders OLRCB to follow the strict letter of the collective bargaining agreement rather than accepting OLRCB's interpretation of the intent and spirit of the agreement. OLRCB further alleges that the Award forces it to commit unfair labor practices against the Teamsters, Local 246 and the Licensed Practical Nurses Association (LPNA) by refusing to allow those unions representation on this committee.

On April 28, 1986 AFGE filed an "Opposition to Arbitration Review Request". AFGE contends that the Arbitrator's interpretation of Article V of the collective bargaining agreement according to the strict letter of the agreement was proper because the strict letter of the agreement is the spirit and intent of the agreement. AFGE also contends that because neither the Teamsters nor LPNA were signatories to the agreement, they are not parties to the agreement. AFGE takes strong exception to OLRCB's contention that honoring the agreement would force it to commit unfair labor practices against the Teamsters and LPNA. AFGE requests that the Board dismiss the Arbitration Review Request.

Section 502(f) of the Comprehensive Merit Personnel Act (CMPA) (codified as District of Columbia Code, Section 1-605.2 (6)), authorizes the Board to consider appeals from arbitration awards pursuant to a grievance procedure only if it is determined that "the arbitrator was without or exceeded his jurisdiction; the award on its face is contrary to law or public policy; or was procured by fraud, collusion or other similar and unlawful means".

In reviewing the Arbitrator's Award, the Board finds that on its face, it is neither contrary to law or public policy nor does it appear that the Arbitrator exceeded the jurisdiction granted. The evidence indicates that the Arbitrator's interpretation is based on the plain language of the collective bargaining agreement. Article V of the agreement states that the Committee shall consist of five (5) management representatives and five (5) union representatives. The class grievance was filed after OLRCB unilaterally attempted to expand the Committee to include representatives from the Teamsters and LPNA. OLRCB's disagreement with the Arbitrator's Award, standing alone, is not a sufficient basis for the Review of an Arbitration Award under the CMPA. By agreeing to submit the grievance to arbitration it was the Arbitrator's interpretation, not the Board's, that the parties bargained for.

O R D E R

IT IS ORDERED THAT:

The request for review of the arbitration award is hereby denied.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD
October 29, 1986