# GOVERNMENT OF THE DISTRICT OF COLUMBIA PUBLIC EMPLOYEE RELATIONS BOARD

In	the	Mat	ter	of:		
Jar	ice	E.	Hutt	on,		

Complainant,

PERB Case No. 90-U-16 Opinion No. 319

v.

District of Columbia School of Law,

Respondent.

## DECISION AND ORDER

The duly-designated Hearing Examiner issued a Report and Recommendation (a copy of which is annexed hereto) in the above-captioned proceeding finding that the Respondent, District of Columbia School of Law (DCSL) did not engage in unfair labor practices, as alleged in the Complaint filed by Complainant Janice E. Hutton. Specifically, the Hearing Examiner found that DCSL did not violate D.C. Code Sec. 1-618.4(a)(1),(3) and (4) of the Comprehensive Merit Personnel Act (CMPA) by involuntarily transferring the Complainant and allegedly failing to pay her at the proper wage scale, in retaliation for her union activities. 1/ No exceptions were filed to the Hearing Examiner's Report.

Pursuant to D.C. Code Sec. 1-605.2(3) and Board Rule 520.14, the Board has reviewed the findings and conclusions of the

Prior to the hearing, the Board, pursuant to the Complainant's request and Board Rule 552.1, issued a subpoena duces tecum directed to DCSL and seeking, inter alia, DCSL's American Bar Association Accreditation Study. The Hearing Examiner found that this document was prepared for and "submitted to the A[merican] B[ar] A[ssociation] under a seal of confidentiality". (R&R at 5.) DCSL, in response, filed a Motion to Quash the subpoena pursuant to Board Rule 552.2. In accordance with Board Rule 553.3, the Hearing Examiner ruled on the Motion during the hearing and granted DCSL's Motion "on the grounds of relevance and privilege" concluding that the information had "no presumed relevance to the issues raised in the complaint." (R&R No exception to this ruling was filed by the Complainat 5.) ant. For the reasons stated in his Report, we affirm the ruling of the Hearing Examiner granting DCSL's Motion to Quash.

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Hearing Examiner and find them to be cogent, persuasive and supported by the record. We therefore adopt, for the reasons stated in the attached Report, the conclusions and recommendations of the Hearing Examiner that (1) there was no evidence that DCSL's alleged actions with respect to Complainant were discriminatorily motivated, as proscribed under the CMPA, and alleged in the Complaint, and (2) the Complaint does not give rise to any unfair labor practices and should thereby be dismissed in its entirety.

### **ORDER**

#### IT IS HEREBY ORDERED:

The Complaint is dismissed.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

Washington, D.C.

October 27, 1992

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## CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 90-U-16 was hand-delivered and/or mailed (U.S. Mail) to the following parties on this 27th day of October 1992.

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