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:)	
)	
Lloyd Forrester,)	
)	
Complainant,)	
-)	PERB Case No. 98-U-01
v.)	Opinion No. 592
)	-
American Federation of Government)	
Employees, Local 2725,)	
)	
and)	
)	
District of Columbia Housing)	
Authority (David Gilmore,)	
Receiver),)	
)	
Respondents.)	
)	
	_	

DECISION AND ORDER

Complainant Lloyd Forrester filed an Unfair Labor Practice Complaint against his union the American Federation of Government Employees, Local 2725 (AFGE) and his former employer the District of Columbia Housing Authority (DCHA). The Complainant alleged that AFGE: (1) failed to adequately seek enforcement of an arbitration award sustaining a grievance that AFGE had filed on his behalf and (2) failed to respond to the Complainant's inquiries concerning implementation of the award. By such conduct, the Complainant asserts that AFGE breached its duty of fair representation in violation of D.C. Code § 1-618.4(b)(1). The Complainant also alleged that DCHA had committed unfair labor practices by failing to implement the award in accordance with Article 9 of the agreement. AFGE and DCHA filed Answers to the Complaint denying that they had engaged in any unfair labor practices.

On December 21, 1998, we issued a Decision and Order (Slip Op. No. 577) in this proceeding dismissing the Complaint against DCHA as failing to state a claim under the Comprehensive Merit Personnel Act (CMPA). We also concluded that the occurrence of the alleged violations by AFGE presented an issue of timeliness

Decision and Order PERB Case No. 98-U-01 Page 2

DCHA as failing to state a claim under the Comprehensive Merit Personnel Act (CMPA). We also concluded that the occurrence of the alleged violations by AFGE presented an issue of timeliness that was a question of fact. We, therefore, referred that portion of the Complaint to a hearing examiner.

The matter was scheduled for a hearing on March 2, 1999. On the day of the hearing, the Hearing Examiner mediated a settlement (attached) between the parties. Essentially, the Complainant agreed to withdraw the Complaint with prejudice and AFGE agreed to continue its efforts to secure implementation of the arbitration award.

The term of the settlement were set forth by the Hearing Examiner in his "Recommendation for Approval of Settlement Agreement and Dismissal of Complaint with Prejudice" and forwarded to us. The Board hereby adopts the Hearing Examiner's recommendation to approve the settlement agreement and dismiss the remaining Complaint allegations.

ORDER

IT IS HEREBY ORDERED THAT:

In view of the Settlement Agreement reached between the Complainant Lloyd Forrester and the American Federation of Government Employees, Local 2725, the remainder of the Complaint in PERB Case No. 98-U-01 is dismissed.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD Washington, D.C.

June 9, 1999

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 98-U-01 was sent via mail (U.S. Mail) to the following parties on the $9^{\rm th}$ day of June, 1999

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Certificate of Service PERB Case No. 98-U-01

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Sarah Newman

Administrative Assistant

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GOVERNMENT OF THE DISTRICT OF COLUMBIA PUBLIC EMPLOYEE RELATIONS BOARD

In the matter of:	
Lloyd Forrester,	
Complainant,	
PERB Case No. 9	9 8-U- 01
v .	
American Federation of Government	
Employees, Local 2725, Respondent.	
100ponson.	
**************	هـ
Before: Irwin Kaplan, Esq., Hearing Examiner	22
APPEARANCES:	; ; ; ; ; ; ; ; ; ; ; ; ; ; ; ; ; ; ;
For the Complainant: Keith Grimes ¹	
For the Respondent: Melinda K. Holmes, Esq.	
(Odonnell, Schwartz, & Anderson, P.C.)	
RECOMMENDATION FOR APPROVAL OF SETTLEMENT	10:
AND DISMISSAL OF COMPLAINT WITH PREJUDICE	00

The hearing in the above-cited case opened on March 2, 1999, at the offices of the District of Columbia Public Employee Relations Board ("Board" or "PERB"), in Washington, D.C. Immediately before the hearing opened, the parties reached an adjustment or informal settlement of the underlying allegations whereby, inter alia, the Complainant agreed to withdraw the matter and to have the Complaint dismissed, with prejudice. The Respondent, for its part, agreed to continue its efforts to secure implementation of an Arbitrator's award in FMCS Case No. 96-26166 in favor of the Complainant ("herein also "Mr. Forrester"). It was the alleged failure by the Respondent to seek such compliance from the D.C. Housing Authority (herein "DCHA") that formed the basis for the instant Complaint. The parties in requesting that the instant case be disposed in the manner noted above, noted that the Respondent has recently filed an unfair labor

¹ <u>Mr. Grimes</u>, made an appearance for the first time on behalf of the Complainant, <u>Mr. Lloyd Forrester</u>, shortly before the instant hearing opened and requested time to explore a resolution of the instant case without litigating the allegations. <u>Mr. Forrester</u> did not appear and no explanation was given.