

# Public Employee Relations Board



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# PERB Overview

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The Public Employee Relations Board (PERB) is an independent administrative District agency created by Chapter 6 of the CMPA (Comprehensive Merit Personnel Act), found at D.C. Code §1-605.1. PERB consists of a five-member Board. The Board is composed of a management member, a labor member, and three public (or neutral) members. The chair of the Board must be chosen from among the three neutral members and is designated by the Mayor. The term of office for each member is three years.

# The Powers of the Board

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## **Election Petitions**

§1-617.10

Bd. Rules 510 - 516

## **Representation Issues**

§1-617.09

Bd. Rules 502-506

## **Unfair Labor Practice Compl.**

§1-617.04 (a) and (b)

Bd. Rule 520

## **Standards of Conduct Compl.**

§1-617.03

Bd. Rule 544

## **IMPASSE PROCEDURE**

§1-617.17

Bd. Rules 526 and 527

## **Negotiability Appeals**

§1-605.02 (5)

Bd. Rule 532

## **Arbitration Review Requests**

§1-605.02

Bd. Rule 538

# Representation Issues

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## **Election Petitions**

§1-617.10

Bd. Rules 510 - 516

## **Representation Issues**

§1-617.09

Bd. Rules 502-506

# Representation Issues

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**(1) Resolve unit determination questions and other representation issues (including but not limited to disputes concerning the majority status of a labor organization);**

**-D.C. Code §1-605.02(1)**

# Representation Issues

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## Applicable Statutes/Rules

*D.C. Code §1-617.09 re “Unit Determination”*

*Board Rule 502- “Exclusive Recognition and Non-Compensation Unit Determination:*

*Board Rule 503- “Compensation Unit Determination:*

*Board Rule 504- “Modification of Units”*

*Board Rule 506- “Clarification of Units”*

*Board Rule 516- “Petition to Amend Certification”*

# Election Petitions

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## **Election Petitions**

§1-617.10

Bd. Rules 510 - 516

## **Representation Issues**

§1-617.09

Bd. Rules 502-506

# Election Petitions and Representation Issues

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**Certify and decertify exclusive bargaining  
representatives;**

**-D.C. Code §1-605.02(2)**



# Election Petitions and Representation Issues

## Applicable Statutes/Rules

*D.C. Code §1-617.10 re “Selection of Exclusive Representatives; Elections.”*

*Board Rule 505- “Decertification Petition”*

*Board Rule 510- “Election Procedures: General”*

*Board Rule 511- “Election Procedures: Eligibility”*

*Board Rule 512- “Election Procedures: Mail Ballots”*

*Board Rule 513- “Election Procedures: On Site Elections”*

*Board Rule 514- “Election Procedures: Tallying”*

*Board Rule 515- “Certification of Election Results”*

# Unfair Labor Practice Complaints

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## **Unfair Labor Practice Compl.**

§1-617.04 (a) and (b)

Bd. Rule 520

## **Standards of Conduct Compl.**

§1-617.03

Bd. Rule 544

# Unfair Labor Practice Complaints

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**Decide whether unfair labor practices have been committed and issue an appropriate remedial order;**

**-D.C. Code §1-605.02(3)**

## **Applicable Statutes/Rules**

*D.C. Code § 1-617.04(a), concerning violations by agencies*

*D.C. Code § 1-617.04(b), concerning violations by unions*

*Board Rule 520- “Unfair Labor Practice Complaints”*

# Impasse Procedure

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## **IMPASSE PROCEDURE**

D.C. Code §1-617.17

Bd. Rules 526 & 527

# Impasse Procedures

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Resolve bargaining impasses through fact-finding, final and binding arbitration, or other methods agreed upon by the parties as approved by the Board and to remand disputes if it believes further negotiations are desirable. Arbitration shall not be conducted by the Board itself, but the Board shall provide arbitrators selected at random from a panel or list of arbitrators maintained by the Board and consisting of persons agreed upon by labor and management;

-D.C. Code §1-605.02(4)

# Impasse Procedures

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## Applicable Statutes/Rules

*D.C. Code §1-617.02*

*D.C. Code § 1-617.17*

*Board Rule 526- “Impasse Resolution Proceedings: Compensation Negotiations”*

*Board Rule 527- “Impasse Resolution Proceedings: Non-Compensation Negotiations”*

# Negotiability Appeals

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## **Negotiability Appeals**

D.C. Code §1-605.02 (5)

Bd. Rule 532

# Negotiability Appeals

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**Made a determination in disputed cases as to whether a matter is within the scope of collective bargaining;**

**-D.C. Code §1-605.02(5)**

**Applicable Statutes/Rules**

***Board Rule 532- “Negotiability Appeal Proceeding”***



# Arbitration Review Requests

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## **Arbitration Review Requests**

D.C. Code §1-605.02

Bd. Rule 538

# Arbitration Review Requests

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Consider appeals from arbitration awards pursuant to a grievance procedure. The awards may be modified or set aside or remanded, in whole or in part, **only if**:

- (a) The arbitrator was without, or exceeded, his or her jurisdiction;
- (b) The award on its face is contrary to law and public policy; or
- (c) The award was procured by fraud, collusion, or other similar and unlawful means.

This shall be the exclusive method for reviewing the decision of an arbitrator concerning a matter properly subject to the jurisdiction of the Board.

-D.C. Code §1-605.02(6)

# Arbitration Review Requests

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**Applicable Statutes/Rules**

***Board Rule 538- “Grievance Arbitration Review Request”***

# Investigations, Testimony, Evidence

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Conduct investigations, hear testimony, and take evidence under oath at hearings on any matter subject to its jurisdiction;

-D.C. Code §1-605.02(7)

## Applicable Statutes/Rules

*Board Rule 550- "Hearings"*

*Board Rule 551- "Recording of Hearings"*

*Board Rule 552- "Subpoenas"*

*Board Rule 553- "Motions"*

*Board Rule 554- "Interlocutory Appeals"*

*Board Rule 555- "Oral Arguments/Briefs and Submissions"*

*Board Rule 556- "Hearing Examiner's Report/Exceptions"*

*Board Rule 557- "Disqualification"*

# Investigations, Testimony, Evidence

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Motions made during a Hearing may be ruled on orally by Hearing Examiner on the record.

## Written motions to the Board

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Bd. Rule 553

Must comply w/Bd. Rule 501

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Response to written motion is due w/in 5 days of service of the Motion.

# Subpoenas

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**Issue subpoenas;**

**-D.C. Code §1-605.02(8)**

**Applicable Statutes/Rules**

***Board Rule 552- “Subpoenas”***

# Subpoenas

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## Personal Service

(See Bd. Rule 552.3 (a))

Subpoena a person: Shall be made in writing to Executive Director; identify person subpoenaed; pay \$25 per diem certified check or money order for each person subpoenaed. (Bd. Rule 552.1).

Production of documents: (including writings, drawings, graphs, charts, photographs, electronic records, other recordings, and other data compilation from which information may be obtained), at a specific time and place shall be made in writing to the Exec. Dir. (Bd. Rule 523.2).

Service by Certified Mail (See Bd. Rule 552.3( b))

An applicant for subpoena shall arrange for service:

1. Personal Service
2. Service by Certified Mail

# Standards of Conduct Complaints

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## **Unfair Labor Practice Complaints**

§1-617.04 (a) and (b)

Bd. Rule 520

## **Standards of Conduct Complaints**

§1-617.03

Bd. Rule 544



# Standards of Conduct Complaints

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Made decisions and take appropriate action on charges of failure to adopt, subscribe, or comply with the internal or national labor organization standards of conduct for labor organizations;

-D.C. Code §1-605.02(9)

## Applicable Statutes/Rules

*D.C. Code § 1-617.03 re “Standards of conduct for labor organizations:*

*Board Rule 544- “Standards of conduct complaints”*

# Enforcement

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The Board may also “seek appropriate judicial process to enforce its orders and otherwise carry out its authority.”

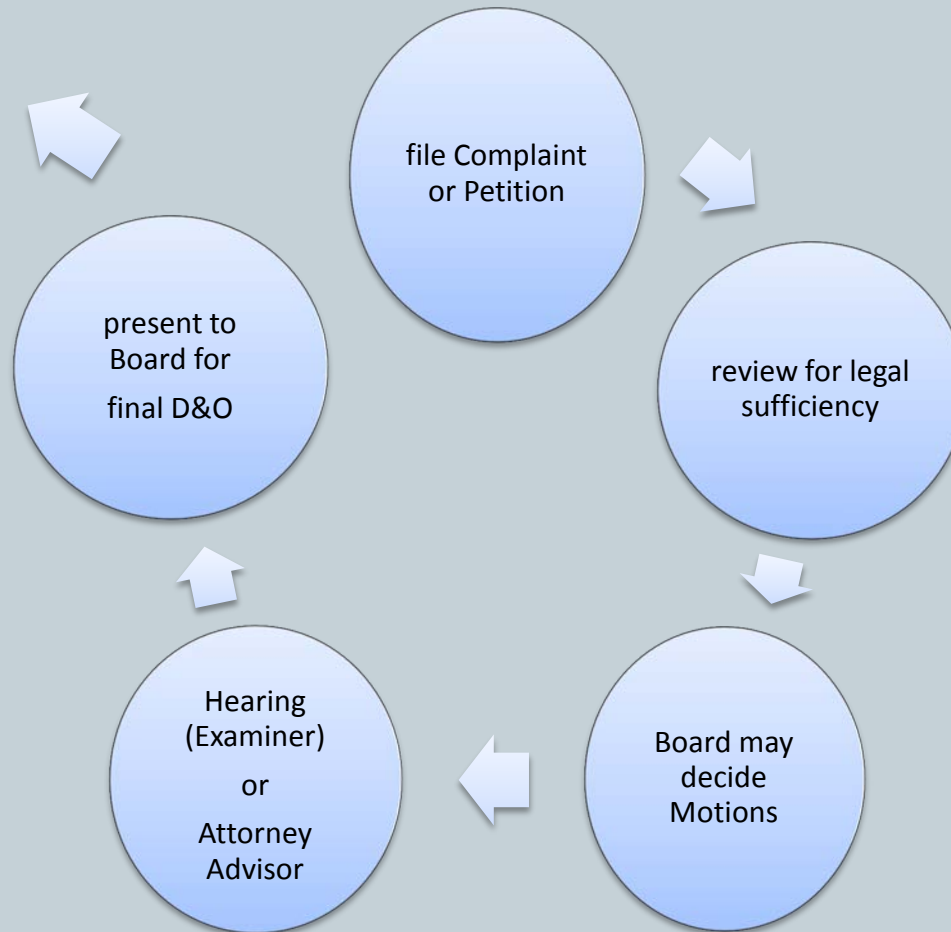
-D.C. Code §1-605.02(16)

Applicable Statutes/Rules

*Board Rule 560- “Enforcement”*

# Processing a Case

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# Example of Unfair Labor Practice Complaint

## 501.7 - Format - Illustration

As illustrated in the following example, all pleadings shall contain a caption setting forth the name of the Board, the title of the proceeding, the case number, if known, and the title of the pleading:

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**PUBLIC EMPLOYEE RELATIONS BOARD**

\_\_\_\_\_  
Department of XXX, )  
Complainant, )  
and ) PERB Case No. \_\_\_\_\_  
Union, Local No. 555, )  
Respondent. )  
\_\_\_\_\_ )

**Unfair Labor Practice Complaint**