

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 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)	
)	
Angela Everett,)	
)	
Complainant)	
)	
v.)	PERB Case No. 26-U-06
)	
District of Columbia Public Schools)	Opinion No. 1948
and Washington Teachers’ Union,)	
Local #6,)	Motion for Reconsideration
)	
Respondents)	
)	

DECISION AND ORDER

I. Statement of the Case

On November 15, 2025, the complainant, a District of Columbia Public Schools (DCPS) teacher (Complainant), filed an amended unfair labor practice complaint (Complaint) against DCPS and the Washington Teachers’ Union, Local #6 (WTU).¹ The Complaint asserted that DCPS violated D.C. Official Code § 1-617.04(a)(1) of the Comprehensive Merit Personnel Act (CMPA) and that WTU violated D.C. Official Code § 1-617.04(b)(1) of the CMPA. Specifically, the Complaint asserted that DCPS committed an unfair labor practice by depriving the Complainant of contractual duty-free lunch and planning periods, presenting a falsified schedule at a grievance meeting and disparate treatment.² The Complaint further asserted that WTU failed to process her grievance in good faith, to communicate with her, or to advocate for enforcement of the collective bargaining agreement (CBA) between DCPS and WTU.³ The Complainant requested compensation for lost planning and lunch time, reimbursement of union dues, compensation for “stress, therapy costs, and harm caused by the non-compliant schedule,” and a Board order directing WTU to advance her grievance to arbitration.⁴

On November 26, 2025, WTU filed an answer, affirmative defenses, and motion to dismiss (Motion to Dismiss). On December 1, 2025, DCPS filed its answer (DCPS Answer). On December

¹ The original complaint, which was deficient, was filed on November 3, 2025.
² Complaint at 7.
³ Complaint at 7.
⁴ Complaint at 7.

9, 2025, the Complainant filed an opposition to WTU's Motion to Dismiss (Complainant Opposition), including an assertion of continuing violations.⁵ On December 12, 2025, the PERB Executive Director administratively dismissed the Complaint for untimeliness.⁶

On December 25, 2025, the Complainant filed the instant motion for reconsideration (Motion for Reconsideration). On January 8, 2026, WTU filed its opposition to the Motion for Reconsideration (WTU Opposition). On January 9, DCPS filed its opposition to the Motion for Reconsideration (DCPS Opposition).

For the reasons discussed herein, the Motion for Reconsideration is denied.

II. Standard of Review

The Board has established that the standard for a motion for reconsideration is clear legal error.⁷ The moving party must provide authority which compels reversal of the initial decision.⁸ Motions for reconsideration that do not provide a basis to compel reversal of an initial decision will be denied.⁹

III. Discussion

The Complainant seeks reconsideration of the administrative dismissal on the basis that: (1) ongoing union inaction may constitute a continuing violation;¹⁰ (2) the question of whether a continuing violation has been committed "is a mixed question of law and fact that typically benefits from factual development" and the administrative dismissal contravened PERB precedent by

⁵ Complainant Opposition at 2.

⁶ The Complaint stated that "since at least the 2022-2023 school year," she and other "inner core teachers" at her school were assigned a schedule that violated DCPS and WTU's CBA by failing to provide adequate lunch and planning time. Complaint at 6. The Complaint asserted that general education classroom teachers received more combined lunch and planning time than similarly situated inner core teachers such as the Complainant. Complaint at 6. On or about September 11, 2023, the Complainant requested WTU file a grievance regarding the allegedly noncompliant schedules. Complaint at 6. The Complainant asserted that WTU did not file this grievance until November 17, 2023, and that the grievance has been "stalled at Step 2 since August 2, 2024." Complaint at 6. The Complainant further asserted that she has repeatedly requested updates from WTU without adequate response from the Union. Complaint at 6. On August 11, 2025, the Complainant requested that WTU advance the grievance to arbitration; she asserts that, as of the filing of the Complaint, WTU has not advanced the grievance to arbitration. Complaint at 6. The Complainant alleged that the "inadequate schedule" has caused "significant stress, requiring therapy and FMLA leave." Complaint at 6. However, the Complainant noted that she transferred to a different DCPS school beginning with the 2024-2025 academic year and now has a "compliant" schedule. Complaint at 6. Both DCPS and WTU asserted that the Complaint was untimely. DCPS Answer at 5; WTU Answer at 4. The Executive Director found that the Complainant's August 11, 2025 request to advance a grievance initiated in 2023 to arbitration did not constitute a continuing violation, and that the Complainant knew or should have known of both Respondents' alleged unfair labor practices well over one hundred twenty (120) days prior to the filing of the Complaint. PERB Case No. 26-U-06 Administrative Dismissal at 2.

⁷ *FOP/MPD Labor Comm. v. MPD*, 59 D.C. Reg. 7165, Slip Op. No. 1233 at 4, PERB Case No. 11-E-01 (2012).

⁸ *AFSCME, District Council 20 v. OSSE*, D.C. Reg. 7165, Slip Op. No. 1679 at 3, PERB Case No. 17-N-04(a) (2018).

⁹ *WTU, Local #6 v. DCPS*, 72 D.C. Reg. 13824, Slip Op. No. 1930 at 2, PERB Case No. 24-U-19 (MFR) (2025).

¹⁰ Motion for Reconsideration at 2-4.

drawing factual inferences adverse to the Complainant’s position;¹¹ and (3) rigid application of the Board’s timeliness rules undermines the “statutory grievance framework.”¹²

The Complainant purports to cite Board caselaw to support these arguments. However, none of the citations reference actual PERB cases.¹³ The Complainant has therefore failed to meet the burden of providing authority which compels reversal of the initial decision. Further, the principles that the Complainant claims the nonexistent cases support run counter to actual Board case law. The Board has held—and the courts have affirmed—that “a continuing violation is one whose ‘character as a violation did not become clear until it was repeated during the limitations period because it is only its cumulative impact ... that reveals its illegality.’”¹⁴ “By contrast, ‘the mere failure to right a wrong and make [a] plaintiff whole cannot be a continuing wrong which tolls the statute of limitations.’”¹⁵ Here, the Complainant knew about the alleged violations well over one hundred twenty days before the date the Complaint was filed,¹⁶ and the Complainant’s later request that WTU advance her grievance to arbitration does not elevate the stagnant grievance to a continuing violation. While the issue of timeliness may be waived by a respondent, once “properly invoked [by a party] ... [it] must be enforced.”¹⁷ DCPS and WTU both raised the timeliness issue in their responses to the case.¹⁸ Therefore, the Complaint was properly dismissed as untimely.

IV. Conclusion

The Board finds no grounds to overturn the administrative dismissal of PERB Case No. 26-U-06. Therefore, the Motion for Reconsideration is denied.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Motion for Reconsideration is denied; and
2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By vote of Board Members Renee Bowser, Mary Anne Gibbons and Douglas Warshof.

February 19, 2026
Washington, D.C.

¹¹ Motion for Reconsideration at 4.

¹² Motion for Reconsideration at 5.

¹³ The Board suspects that the citations are the product of A.I. hallucinations. The cases referenced do not exist as cited and there is no support for the arguments presented in the pleading.

¹⁴ *Neill v. Dist. of Columbia Pub. Employee Relations Bd.*, 234 A.3d 177, 185 (D.C. 2020) (upholding the Board’s decision in *Neill v. FOP/MPD Labor Comm.*, Slip Op. No. 1647, PERB Case No. 10-S-04a (2017)).

¹⁵ *Id.*

¹⁶ Complaint at 6.

¹⁷ *Neill*, 234 A.3d at 185.

¹⁸ Motion to Dismiss at 4; DCPS Answer at 5.

APPEAL RIGHTS

A final decision by the Board may be appealed to the District of Columbia Superior Court pursuant to D.C. Official Code §§ 1-605.2(12) and 1-617.13(c), which provides 30 days after a decision is issued to file an appeal.