

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:)	
)	
Ellowese Barganier)	
and Ellsworth Alexander,)	
)	
Complainant,)	PERB Case No. 95-S-02
)	Opinion No. 472
v.)	
)	
Fraternal Order of Police/)	
Department of Corrections)	
Labor Committee,)	
)	
Respondent.)	
)	

ORDER

The Public Employee Relations Board (Board) having considered the parties' submissions concerning the Board supervised general election which was conducted by the League of Women Voters in the above-captioned case, hereby adopts the following order.

IT IS HEREBY ORDERED THAT:

1. The Motion To Intervene filed on behalf of interveners Mack, Butler, Lee and Simmons is granted.
2. The results of the April 30, 1996 mail ballot general election for the positions of vice-chairperson, treasurer, secretary, and recording secretary are hereby certified.
3. The result of the April 30, 1996 mail ballot general election for the position of chairperson is hereby held in abeyance pending the outcome of the Board's decision in the matter of Clarence Mack v. FOP/DOC Labor Committee, PERB Case No. 95-S-03. If Mr. Mack prevails in PERB Case No. 95-S-03 and his expulsion from union membership is rescinded, he will be eligible to hold office and the election result for the position of chairperson will be certified. However, if the FOP/DOC Labor

Order

PERB Case No. 96-S-02

Page 2

Committee's expulsion of Mr. Mack is found not to have violated the standard of conduct for labor organizations under D.C. Code, section 1-618.3, the election results with respect to chairperson will be set aside and a special rerun election for chairperson shall be conducted under the supervision of the Board and administered by a neutral third party designated by the Board with the expenses of such election to be borne solely by the FOP/DOC Labor Committee (FOP).

4. Pending the outcome of PERB Case 95-S-03, Mr. Mack is not eligible to hold any office.

5. Consistent with paragraph 3 of this Order, the position of chairperson will be treated as vacant until Mr. Mack's eligibility is determined in PERB Case No. 95-S-03. While the position of chairperson remains vacant, the vice-chairperson shall perform the duties of chairperson as required by article 6.2 of the FOP/DOC Labor Committee by-laws.

6. The Respondent shall forthwith (not later than 3 days) from the service of this Order, post a Notice to FOP members stating that the Board has certified the results of the election for the position of vice-chairperson, treasurer, secretary and recording secretary. Also, the Notice shall state that the results of the election for the position of chairperson shall be held in abeyance pending the Board's decision in PERB Case No. 95-S-03. In the meantime, the vice-chairperson shall serve as chairperson.

7. The Notice to members mentioned in paragraph 6 of this Order shall be conspicuously displayed on all bulletin boards where notices to members are customarily posted for thirty (30) consecutive days.

8. The Respondent shall notify the Board, in writing, within fourteen (14) days from the issuance of this Order, that the Notice to Members has been posted accordingly.

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

June 21, 1996



Public
Employee
Relations
Board

Government of the
District of Columbia



415 Twelfth Street, N.W.
Washington, D.C. 20004
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NOTICE

TO ALL EMPLOYEES REPRESENTED BY THE FRATERNAL ORDER OF POLICE/DEPARTMENT OF CORRECTIONS LABOR COMMITTEE (FOP/DOC) AT THE DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS: THIS OFFICIAL NOTICE IS POSTED BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD PURSUANT TO ITS DECISION AND ORDER IN SLIP OPINION NO. 472, PERB CASE NO. 95-S-02.

WE HEREBY NOTIFY our members that the Public Employee Relations Board has reviewed the conduct and results of the April 30, 1996 general election of the Executive Board and has ordered us to post this notice.

THE CONDUCT of the April 30, 1996 general election of the FOP/DOC Labor Committee Executive Board is certified. With the exception of the office of Chairperson, the results of the April 30, 1996 general election, issued by the League of Women Voters of the District of Columbia on May 3, 1996, are certified.

CERTIFICATION of the results for the office of Chairperson shall be held in abeyance pending the Decision and Order of the Board in PERB Case No. 95-S-03. PERB Case No. 95-S-03 affects the determination of the eligibility of the Chairperson candidate with a plurality of the votes in the April 30, 1996 general election to hold office.

IN THE INTERIM the Vice Chairperson shall serve in the capacity of Chairperson in accordance with Section 6.2 of the by-laws of the FOP/DOC Labor Committee.

Fraternal Order of Police/
Department of Corrections
Labor Committee,

Date: _____ By: _____
(Acting Chairperson)

This Notice must remain posted for thirty (30) consecutive days from the date of posting and/or until the completion of the regular election, whichever is later. The Notice must not be altered, defaced or covered by any other material.

If employees have any questions concerning the Notice or compliance with any of its provisions, they may communicate directly with the Public Employee Relations Board, whose address is: 415-12th Street, N.W. Room 309, Washington, D.C. 20006. Phone 727-1822.