

Board that negotiations had reached an impasse. The following week, the chief of police sent all members of the collective bargaining unit an e-mail lamenting the Complainant's declaration of an impasse and outlining the Respondent's offer that the Complainant had rejected. The Complainant filed an unfair labor practice complaint alleging that the Respondent, through the chief of police's e-mail, had "improperly reached out to the Union's membership with respect to matters subject to negotiations with the Union's exclusive representative and thereby violated the law and engaged in an unfair labor practice." (Complaint at p. 3.) The hearing examiner concluded that there was insufficient evidence presented to establish a violation. More particularly, there was no evidence that members felt coerced by the e-mail or that the Union was undermined in its relations with its members.

No exceptions were filed by either party to the hearing examiner's findings, conclusions and recommendations made in her R&R. Thus, pursuant to D.C. Code § 1-605.2(3) and Board Rule 520.14, the Board has reviewed the findings, conclusions and recommendations of the hearing examiner and the entire record. The Board hereby adopts the hearing examiner's conclusion that the Respondent did not commit an unfair labor practice as a result of the chief of police's e-mail, which described the status of negotiations to employees without intimidating or coercing them, disparaging the Union, or interfering with its right to bargain. *See Washington Teachers' Union Local 6 v. D.C. Pub. Sch.*, 48 D.C. Reg. 2931, Slip Op. No. 431 at p. 3, PERB Case No. 95-U-08 (1995); *In the Matter of: AFSCME Council 20 v. District of Columbia*, 36 D.C. Reg. 427, Slip Op. No. 200 at pp. 5-6, PERB Case No. 88-U-32 (1988). A review of the record reveals that the Hearing Examiner's findings and conclusions are supported by evidence, are reasonable and consistent with Board precedent. Accordingly, pursuant to Rule 520.14 we adopt the hearing examiner's findings and recommendations and dismiss the Union's Complaint.

ORDER

IT IS HEREBY ORDERED THAT:

1. The hearing examiner's findings and recommendations are adopted. The unfair labor practice complaint is dismissed.
2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

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

March 27, 2011

CERTIFICATE OF SERVICE

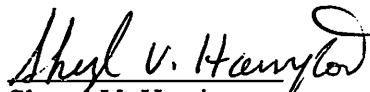
This is to certify that the attached Decision and Order in PERB Case No. 05-U-01 was transmitted via U.S. Mail to the following parties on this the 29th day of March 2012.

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