

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:)	
)	
Darlene Bryant, <i>et al.</i>)	
)	
Complainants)	PERB Case No. 23-S-05
)	
v.)	Opinion No. 1860
)	
Fraternal Order of Police Department of Corrections Labor Committee)	
)	
Respondents)	
)	

DECISION AND ORDER

I. Statement of the Case

On April 24, 2023, Darlene Bryant, Edwin Hull and Dyson Anthony (Complainants) filed a standards of conduct Complaint against the Fraternal Order of Police, Department of Corrections Labor Committee (Union). The Complainants allege that members of the Union’s Executive Board engaged in financial misconduct, in violation of D.C. Official Code § 1-617.03(a)(5). On April 29, 2023, the Union filed an Answer to the Complaint. PERB held a hearing on the matter, after which the Hearing Examiner issued a Report and Recommendations (Report). Neither party filed Exceptions to the Report.

For the reasons stated herein, the Board adopts the Hearing Examiner’s Report recommending that the Complaint be dismissed in its entirety.

II. Hearing Examiner’s Report and Recommendations

The Hearing Examiner made the following factual findings. On December 16, 2022, the Union held a Christmas party for its membership at Martin’s Crosswinds in Greenbelt, Maryland.¹

¹ Report at 4.

After the Christmas party, the Union held an “after party” across the street.² The Complainants did not attend either the Christmas party or the after party.³

The Complainants allege that they first heard about the after party at the Union’s general membership meeting on December 20, 2022.⁴ The Complainants assert that, at this quarterly general membership meeting, the Executive Board presented a quarterly finance report with copies of returned checks but without information on whom the checks were payable to.⁵ The Complainants claim that checks were written for unauthorized expenditure to an Executive Board member for expenditures and/or reimbursements for the after party.⁶ The Complainants assert that the Executive Board avoided using the union debit card for the after party because debit transactions would be recorded and identify purchases.⁷ The Complainants argue that all checks payable to Executive Board members for the after party were in the Executive Board’s personal interest, amounting to financial fraud in violation of the Union’s Bylaws, PERB Rules, and D.C. Code § 1-617.03(a)(1), (2), (3) and (5).⁸

The Complainants further allege that the Executive Board voted to spend \$800.00 of Union funds to purchase coffee and tea for members one week prior to the February 21, 2023 Executive Board special election.⁹ The Complainants argue that the Executive Board voted to purchase this coffee and tea on behalf of the appointed Executive Board candidates, who were electioneering when there was no budget for the purchase and the purchase was not authorized by the membership, in violation of Union’s Bylaws, PERB Rules, and D.C. Code § 1-617.03(a)(11) and (5).¹⁰

The Complainants allege that the Union’s Executive Board members “aggrieved dues paying members of Fraternal Order of Police D.C. Department of Corrections (FOP/DOC) Labor Committee . . . [through] their financial impropriety of union money expenditures for personal use.”¹¹

The Respondents assert that the Complainants’ assertion that the Executive Board held a secret “after party” for elected Executive Board members family and friends is false.¹² The Respondents assert that the Christmas Party and after party were open to all Union members and

² Report at 4, 5.

³ Report at 12-13.

⁴ Report at 4.

⁵ Report at 4.

⁶ Report at 4.

⁷ Report at 4.

⁸ Report at 4.

⁹ Report at 5.

¹⁰ Report at 5.

¹¹ Report at 3-4.

¹² Report at 5.

their guests, and that an announcement of the after party was made at the Christmas Party during an intermission.¹³

The Respondents dispute the Complainants' assertion that the after party was not in the 2022 budget.¹⁴ The Respondents assert that all Christmas Party receipts were disclosed at the December 2023 quarterly general membership meeting pursuant to Articles IV and VI of the Union's By-laws.¹⁵ The Respondents state that the Union's debit card was used for "after party" purchases.¹⁶ The Respondents assert that no checks were written to Executive Board members for either the Christmas Party or the after party.¹⁷

The Respondents further deny the Complainants' assertions regarding purchases of coffee and tea for the members prior to the February 21, 2023 Executive Board special election as electioneering on behalf of appointed Executive Board candidates.¹⁸ The Respondents state the coffee and tea purchase was made for the membership because DOC was not supplying coffee and tea.¹⁹ The Respondents state that the purchase was disclosed and receipts were provided at the quarterly general membership meeting.²⁰

The Hearing Examiner noted that the entirety of the Complainants' hearing presentation was limited to the Christmas party and after party.²¹ The Hearing Examiner found that the Complainants' hearing presentation concerning the Christmas Party and the "after party" constituted repetitive hearsay, opinion and conjecture totally lacking material probative value and evidentiary support.²² The Hearing Examiner determined that the record evidence and testimony established that the Union's 2022 budget provided for the after party.²³ The Hearing Examiner further found that the Union's Christmas party budget and the approval process for the after party complied with the Union's Bylaws.²⁴ For these reasons, the Hearing Examiner determined that the Complaint was wholly without merit, and recommended that it be dismissed with prejudice.²⁵

¹³ Report at 5.

¹⁴ Report at 6.

¹⁵ Report at 5.

¹⁶ Report at 6.

¹⁷ Report at 6.

¹⁸ Report at 7.

¹⁹ Report at 7.

²⁰ Report at 7.

²¹ Report at 12-13.

²² Report at 13.

²³ Report at 13.

²⁴ Report at 13.

²⁵ Report at 14.

III. Discussion

The Board will adopt a Hearing Examiner's Report and Recommendation if it is reasonable, supported by the record, and consistent with Board precedent.²⁶ The parties did not file exceptions to the Hearing Examiner's Report and Recommendation. PERB reviews a Hearing Examiner's Report and Recommendation even if no exceptions are filed.²⁷ Upon review of the record, the Board finds that the Report is reasonable, supported by the record, and consistent with Board precedent.²⁸ Therefore, the Board adopts the Hearing Examiner's Report and Recommendation.

IV. Conclusion

The Board finds that the Complainants have not met their burden of proof regarding the standards of conduct allegations against the Executive Board in the Complaint. Accordingly, the Complaint is dismissed with prejudice.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Complaint is dismissed; 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 Chairperson Douglas Warshof and Members Renee Bowser, Mary Anne Gibbons, and Peter Winkler.

February 22, 2024

Washington, D.C.

²⁶ *WTU, Local 6 v. DCPS*, 65 D.C. Reg. 7474, Slip Op. 1668 at 6-7, PERB Case No. 15-U-28 (2018). *See AFGE, Local 1403 v. D.C. Office of the Attorney General*, 59 D.C. Reg. 3511, Slip Op. No. 873, PERB Case No. 05-U-32 and 05-UC-01 (2012).

²⁷ *AFGE, Local 631 v. WASA*, Slip Op. No. 1648 at 5, PERB Case No. 16-UM-01 (2018).

²⁸ *WTU, Local 6 v. DCPS*, 65 D.C. Reg. 7474, Slip Op. No. 1668 at 6, PERB Case No. 15-U-28 (2018); *see also AFGE, Local 1403 v. D.C. OAG*, 59 D.C. Reg. 3511, Slip Op. No. 873, PERB Case No. 05-U-32 and 05-UC-01 (2012).

APPEAL RIGHTS

Pursuant to Board Rule 559.2, a party may file a motion for reconsideration within fourteen (14) days, requesting the Board to reconsider its decision. Additionally, 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 provide thirty (30) days after a Board decision is issued to file an appeal.