

GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of:)

Francis M. Butler,)

Petitioner,)

and)

The American Federation of Government)
Employees, Local 1550,)

Respondent.)

PERB Case No. 85-S-01
Opinion No. 123

DECISION AND ORDER

On June 20, 1985, Francis M. Butler (Complainant) filed a Standards of Conduct Complaint, against Local 1550 of the American Federation of Government Employees (AFGE). The Complainant alleges that AFGE and the District of Columbia Department of Corrections (DOC) denied the Complainant adequate representation in connection with his hearing which resulted in his termination from the DOC. The Complainant specifically alleges a violation of Section 1-618.11(a) and 1-618.3(a)(1) of the Comprehensive Merit Personnel Act (D.C. Code).

As a remedy the Complainant requests that the Public Employee Relations Board (Board) order his reinstatement "with full salary and benefits retroactive to the date of his termination: that the DOC be requested to provide him with a formal hearing on the alleged personnel violations(s) and that the AFGE be required to represent him in any such grievance procedure."

On June 26, 1985, the District of Columbia Office of Labor Relations and Collective Bargaining (OLRCB), on behalf of the DOC responded to the allegations made against the employer in this matter. The OLRCB contends that a Standards of Conduct complaint can only be alleged against a labor organization. It also states that it is not management's responsibility to provide an employee with representation. OLRCB denies all the allegations against the DOC and urges that all such allegations against the DOC be dismissed.

In July 8, 1985, AFGE filed its response contending that it fulfilled its obligations to the Complainant and urging that the Complaint be dismissed. AFGE contends that because the Complainant was a probationary employee it was prohibited from filing a grievance on his behalf or representing him before the Promotion Retention Panel. AFGE also states that it made every effort possible to assist the Complainant with his employment problems including bringing to the DOC's attention a discrepancy in the number of leave days taken by the Complainant. AFGE also offered to file a Complaint in Mr. Butler's behalf with the D.C. Office of Human rights but he declined.

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The record indicates that the Complainant was separated in accordance with the D.C. Personnel Rules. A Standards of Conduct Complaint can only be alleged against a labor organization. Accordingly, the allegations against the employer are dismissed.

The Board finds that AFGE, although limited in its right to represent probationary employees, did provide the Complainant with the assistance possible. There is no evidence to prove that AFGE has violated the CMPA.

O R D E R

IT IS ORDERED THAT:

The Complaint be dismissed.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD
October 7, 1985