

Notice: This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify the Board's 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:

William H. Dupree,

Complainant,

v.

Fraternal Order of Police/  
Department of Corrections  
Labor Committee,

and

D.C. Department of Corrections,

Respondents.

PERB Cases No. 96-U-05  
and 96-U-10  
Opinion No. 520

PETITION FOR ENFORCEMENT

DECISION AND ORDER

The Board's Decision and Order on the Complainant's Unfair Labor Practice Complaint, Opinion No. 511, was issued on March 13, 1997. On May 7, 1997, Complainant William DuPree, pursuant to Board Rule 560.1, filed a Petition to Enforce the Board's Order directing the Respondent Fraternal Order of Police/Department of Corrections Labor Committee (FOP) to process his grievance to arbitration. FOP did not timely respond to the Petition in accordance with Board Rule 560.2. Board Rule 560.3 provides that "[f]ailure by the responding party to file an answer in accordance with Rule 560.2 may be construed as an admission of the petitioner's allegations."

FOP, in a letter filed on June 2, 1997, did not dispute its failure to comply with our Order; however, FOP made an open-ended request that the Board delay its ruling on the Petition until the newly composed administration of FOP had an opportunity to "focus [ ] and respond to it." We recognize that FOP has experienced a turnover in the majority of the officers that comprise its executive board since the Petition for Enforcement was filed.<sup>1/</sup> However, we further note that nearly 2 months had elapsed since we

<sup>1/</sup> This turnover occurred as a result of the Board's Decision and Order in PERB Case No. 97-S-01, where the Board granted interim preliminary relief directing the reinstatement and installation of 3 of 5 executive board officers, including the office of chairperson.

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issued Slip Op. No. 511 and the Complainant's filing of its Petition seeking enforcement of the relief we ordered therein. Moreover, FOP has failed to comply with our order directing FOP to notify the Board within 14 days of issuance of our Order what steps it had taken to comply with our directives. In view of the above, we find that FOP, notwithstanding the fluctuation in the composition of its executive board, has been provided more than a reasonable period of time to initiate compliance with our ordered relief.

ORDER

1. The Petition for Enforcement is granted.
2. The Board shall proceed with enforcement of its Order pursuant to D.C. Code 1-618.13(b) if full compliance with the Board's Order in Slip Op. No. 511 is not made and documented to the Board and Complainant within five (5) business days of issuance of this decision.
- 3 This Decision and Order is effective and final upon issuance.

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

June 10, 1997



Public  
Employee  
Relations  
Board

Government of the  
District of Columbia



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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. 511, PERB CASE NO. 96-U-05.

**WE HEREBY NOTIFY** our bargaining unit members that the Public Employee Relations Board has found that the fraternal Order of Police/Department of Corrections Labor Committee (FOP) violated the law and has ordered us to post this notice.

**WE WILL** cease and desist from breaching our duty to fairly represent employees by refusing to arbitrate the grievances of bargaining unit members that exercised their employee rights --to assist any labor organization-- guaranteed by the Labor-Management subchapter of the Comprehensive Merit Personnel Act (CMPA), as codified under D.C. Code § 1-618.6.

**WE WILL NOT**, in any like or related manner, interfere, restrain or coerce, employees represented by FOP in the exercise of their rights guaranteed by the Labor-Management subchapter of the CMPA.

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CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 96-U-05 was faxed and/or mailed (U.S. Mail) to the following parties on this the 10th day of June, 1997.

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