

Notice: This decision may be formally revised within thirty days of issuance 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 to challenge to the decision.

**Government of the District of Columbia
Public Employee Relations Board**

In the Matter of:)	
)	
American Federation of Government)	
Employees, District 14)	
)	
Petitioner)	
)	PERB Case No. 24-RC-03
and)	
)	Opinion No. 1958
District of Columbia Department of)	
Corrections)	Motion for Reconsideration
)	
Respondent)	
)	
and)	
)	
Fraternal Order of Police/Department of)	
Corrections Labor Committee)	
)	
Intervenor)	

**DECISION AND ORDER ON MOTION FOR RECONSIDERATION OF INTERIM
COMPLIANCE ORDER**

I. Background

On May 20, 2024, the Board revoked the Fraternal Order of Police/Department of Corrections Labor Committee’s (FOP) certification as an exclusive bargaining representative.¹ FOP then sought judicial review of the Board’s decision from the District of Columbia Superior Court. On September 11, 2025, the Superior Court issued an order (Superior Court Order) affirming the Board’s decision.² FOP then appealed to the District of Columbia Court of Appeals. Additionally, FOP sought a stay of the Superior Court Order.

¹ *Darlene Bryant et al. v. FOP/DOC Labor Committee*, 71 D.C. Reg. 7891, Slip Op. No. 1871, PERB Case No. 22-S-05 (2024).
² *FOP/DOC Labor Committee v. D.C. PERB*, 2024-CAB-003838 (Sept. 11, 2024).

On April 15, 2026, the Superior Court granted the stay³ and directed the Board to “issue an interim order that the Collective Bargaining Agreement (CBA) between the Petitioner and the Department of Corrections (DOC) will remain in effect during the pendency of the appeal of the September 11, 2025 Order to the District of Columbia Court of Appeals.”

Accordingly, on April 23, 2025, the Executive Director issued an interim compliance order (Compliance Order), establishing that 1) the CBA between FOP and DOC will remain in effect until the conclusion of FOP’s appeal before the District of Columbia Court of Appeals; and 2) FOP shall be considered the incumbent union during the current rerun election, and shall be entitled to the associated privileges.⁴ The same day, the American Federation of Government Employees, District 14 (AFGE) filed a motion for reconsideration (Motion) of the Compliance Order. On May 7, 2026, FOP filed an opposition to the Motion.

For the reasons stated herein, the Motion is denied.

II. Standard of Review

A motion for reconsideration must show clear error.⁵ The moving party must provide authority which compels reversal of the initial decision.⁶ Motions that do not provide a basis to compel reversal of an initial decision will be rejected and the motion for reconsideration will be denied.

III. Discussion

AFGE moves that the Board strike the portion of the Compliance Order which grants FOP incumbency status and privileges during the current rerun election. In support of its Motion, AFGE asserts that the Compliance Order does not mention the rerun election and speculates that the court is unaware of its occurrence.⁷ AFGE contends that the privileges referred to in the Compliance Order are not defined, and asserts that “it is not appropriate for PERB to order that ‘privileges’ be afforded to either party in the context of an unrelated and highly competitive representational election.”⁸

Incumbency status during the instant election, while not explicitly contemplated in the Superior Court Order, is the natural, inevitable result of the CBA between FOP and DOC remaining effective. The privileges referred to in the Compliance Order encompass the benefits

³ *FOP/DOC Labor Committee v. D.C. PERB*, 2024-CAB-003838 at 10 (April 15, 2026).

⁴ Certain privileges, such as the use of designated jobsite bulletin boards, may be afforded to an exclusive bargaining representative under the collective bargaining agreement. *See Forbes v. DOC and Int’l Brotherhood of Teamsters*, 37 D.C. Reg. 2570, Slip Op. No. 244, PERB Case No. 87-U-05 (1990). Reinstatement of a previously revoked collective bargaining agreement restores the privileges established therein.

⁵ *FOP/DOC Labor Comm. v. MPD*, 59 D.C. Reg. 7165, Slip Op. No. 1233 at 4, PERB Case No. 11-E-01 (2012).

⁶ *AFSCME, District Council 20 v. OSSE*, 65 D.C. Reg. 11554, Slip Op. No. 1679 at 3, PERB Case No. 17-N-04(a) (2018).

⁷ Motion at 1-2.

⁸ Motion at 2.

and resources available to FOP under the effective CBA. The Superior Court Order, although issued extrinsically to the rerun election, directly impacts the election-related privileges of one of the unions on the ballot and, thus, is related. AFGE has not met its burden to show clear error or provided authority compelling reversal of the Compliance Order.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Motion for Reconsideration is denied; 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 Peter Winkler and Members Mary Anne Gibbons, Renee Bowser, and Douglas Warshof.

May 21, 2026

Washington, D.C.

APPEAL RIGHTS

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 provides 30 days after a decision is issued to file an appeal.