

GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD

In the matter of:)	
)	
Local 1550, American Federation of Government Employees,)	
)	
Complainant,)	PERB Case No. 84-U-05
)	
and)	OPINION 86
)	
The District of Columbia Department of Corrections,)	
)	
Respondent,)	
)	
and)	
)	
The Fraternal Order of Police District of Columbia Lodge No. 1-F,)	
)	
Respondent.)	

Local 1550 of the American Federation of Government Employees (AFGE), in its Complaint filed with the Board on March 27, 1984, charges the Fraternal Order of Police (FOP) and the District of Columbia Department of Corrections (DOC) with violations of Section 1704(a)(1), (2) and (3) of the Comprehensive Merit Personnel Act (CMPA) (D.C. Code Section 1-618.4 (a)(1), (2) and (3)).

The essential facts are that the FOP Interim Chairperson, Vera Brummell, signed a flier during FOP's 1983 recognition campaign urging rejection of AFGE as the exclusive bargaining representative for the unit of Corrections Officers. Subsequently, in December 1983, Brummell was promoted to Lieutenant, a management position, and was no longer eligible for membership in the bargaining unit. On January 30, 1984, over a month after her promotion, however, the flier was distributed by the FOP. FOP's new Interim Chairperson maintains that he had no knowledge of Brummell's promotion at the time the flier was distributed. AFGE charges that FOP, by distributing the flier, interfered with the employees' exercise of rights to form, join and assist labor organizations and that DOC participated in this interference through its agent, Lt. Brummell.

FOP contends that Lt. Brummell played no role in the distribution of the flier and that, while the flier was distributed with Brummell's signature affixed, it was an unintentional administrative error. DOC contends that Lt. Brummell played no role in the distribution of flier and documents its contention that it adhered strictly to a position of neutrality.

After review and consideration, the Board finds that there is an insufficient basis to support the alleged statutory violations charged. Accordingly, the Complaint is dismissed and the Notice of Hearing withdrawn.

ORDER

IT IS ORDERED THAT:

The Complaint is hereby dismissed.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD
July 17, 1984.