

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of:

Deborah Y. Jones,

Complainant,

and

The District of Columbia Department  
of Corrections,

Respondent.

PERB Case No. 84-U-14  
Opinion No. 100

DECISION AND ORDER

On September 13, 1984 Deborah Y. Jones (Complainant) Shop Steward for the American Federation of Government Employees, Local 1550 (AFGE) at Occoquan Facility, Lorton, Virginia filed an Unfair Labor Practice Complaint (ULP) with the Public Employee Relations Board (Board) against the District of Columbia Department of Corrections (Employer). The Complaint alleged that the Employer violated Section 1704 of the Comprehensive Merit Personnel Act (CMPA) by refusing to allow her to represent union members in processing grievances and other disciplinary matters as well as denying her the opportunity for promotion to Major's Aide. No specific remedy was requested by Complainant. AFGE did not participate in the Complaint.

On October 5, 1984 Employer filed an "Answer" to the Complaint denying that it has ever refused or interfered with the right of any Shop Steward to represent any employee assigned to either of the Occoquan Facilities. Employer also contends that the Complainant has never applied or taken any steps to apply for the position of Major's Aide. Labeling the Complaint as frivolous, Employer requests that the Board dismiss the Complaint.

The issue before the Board is whether or not Employer violated the CMPA by unlawfully denying Complainant the right to represent union members.

The District of Columbia Corrections Facility at Lorton, Virginia consists of the Occoquan Facilities and Youth Center Facilities. Occoquan Facility I houses inmates convicted of felonies and Occoquan Facility II house inmates convicted of misdemeanors. Each facility is headed by an Assistant Administrator and various Majors and Captains who are responsible for administering the collective bargaining agreement for the respective facility. Prior to September 1984, bargaining unit employees at both facilities were represented by a single slate of Shop stewards. Because of excessive time demands and other problems, management and the union worked out an arrangement where each facility has a separate slate of shop stewards. Prior to September 1984, the Complainant was Chief Shop Steward for AFGE, Local 1550 at both facilities. She now serves as Chief Shop Steward for Occoquan Facility II.

Complainant's allegation that one Major Green of Occoquan Facility I made derogatory statements at roll call concerning her representation of bargaining unit employees cannot be confirmed. To the contrary, statements by no less than a dozen union members indicated that no such statements were made. Even if derogatory remarks were made by a management official, such statements, standing alone, do not necessarily constitute an abridgement of her right to represent union members in processing grievances. Moreover, on the day that Complainant alleges Major Green made the comments at roll call, there is strong and credible evidence that he was absent because he was charged annual leave.

Complainant also contends that she was refused the right to represent one Officer Deas. Investigation of this allegation reveals that Officer Deas was represented by another Shop Steward both on the day in question and on previous occasions. Thus, there is substantial evidence to discredit the allegations in the Complaint.

No evidence direct or indirect, has been offered which might indicate that Complainant was denied the opportunity for promotion to Major's Aide because of her union activity. A Major's Aide is similar to a confidential administrative assistant. Duties include preparing and typing employee disciplinary actions, responses to Union grievances, overtime reports and confidential reports from the Major to his superiors. The Complainant has never formally applied for the position nor has she ever taken the administrative skills test necessary to qualify for the position. Thus, her contention that she was unlawfully denied the opportunity for promotion to the position is without merit. Accordingly, the Complaint should be dismissed.

ORDER

IT IS ORDERED THAT:

The Complaint is hereby dismissed.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD  
February 22, 1985