Government of the District of Columbia
Public Employee Relations Board

In the Matter of:	
American Federation of Government Employees, Local 1403,	
Complainant,	
v.	PERB Case No. 06-U-01
	Opinion No. 935
District of Columbia Office of the Attorney General,	
Respondent.	

DECISION AND ORDER

I. Statement of the Case

This case involves an Unfair Labor Practice Complaint ("Complaint") filed by the American Federation of Government Employees, Local 1403 ("Union" or "Complainant") against the District of Columbia Office of the Attorney General ("OAG" or "Respondent"). The Complainant alleges that OAG violated the Comprehensive Merit Personnel Act ("CMPA"), D.C. Code § 1-617.04(a)(1), (2), and (3) (2001 ed.). OAG filed an Answer denying the allegations.

A hearing was held in this matter. In his Report and Recommendation ("R&R"), the Hearing Examiner concluded that the Complaint should be dismissed in part, and granted in part.

The Union filed Exceptions to the Hearing Examiner's recommendation that the Complaint be dismissed in part. OAG filed a Response to the Union's Exceptions. The Hearing Examiner's R&R, the Complainant's Exceptions and OAG's Response are before the Board for disposition.

II. Background

In mid-July 2005, the General Counsel for the Department of Consumer and Regulatory Affairs ("DCRA") proposed the termination of an attorney in her office who was represented by the Union. Steve Anderson, as President of the Union, undertook representation of the unit member. Anderson attempted to negotiate a transfer for the unit member from her position at DCRA to another "Legal Service" position under the authority of the OAG. (See R&R at p. 2). Anderson sought and obtained what he understood to be the approval of the Chief Deputy Attorney General, Eugene Adams, to negotiate such a transfer for the bargaining unit member. The Hearing Examiner noted that "Adams is described in the record as the Attorney General's ("AG") 'alter-ego' in light of the fact that he has the AG's signature authority and the authority to speak for the AG." (R&R at p. 2). Ultimately, Anderson learned that the Interim Director of the Department of Corrections ("DOC"), Elwood York, was willing to accept the unit member's transfer to a position at DOC, but that he could not fund that position. An OAG contact identified by Adams as Mark Back suggested to Anderson that DCRA might be willing to fund the unit member's work for DOC, and Anderson pursued that option. (See R&R at p. 2).

The event that led to the instant Complaint was Anderson's e-mail of September 21, 2005, to Darlene Mansfield, Acting Director of Human Resources at DCRA. In his September 21, 2005 e-mail, Anderson proposed that the unit member be transferred to DOC at a lower salary level than she enjoyed as an attorney for DCRA, and for DCRA to "fill the salary gap" for one fiscal year, so that the unit member would suffer no loss in pay. (See R&R at p. 2). The matter ultimately came to the immediate attention of the AG. The AG believed that Anderson's e-mailed proposal misrepresented and misappropriated OAG's personnel authority, and on that basis launched an investigation. The AG and Anderson disagreed regarding the propriety of the AG's investigatory method, and specifically whether the investigation amounted to an appropriate exercise of management rights, or an inappropriate interference with union activities. This dispute led to the AG formally reprimanding Anderson for insubordinately failing to answer the AG's questions. Specifically, the AG requested answers to the following questions:

1. Who, specifically, at OAG authorized [the unit member's] move to DOC, as you represent in your e-mail of 9/21/05 to Darlene Mansfield?

2. Was your understanding that she was moving to a Legal Service position at DOC, and, if so, what led you to believe that it was a Legal Service position?

3. If it was your understanding that [the unit member] was moving to a DOC [non-legal position], what led you to believe that such a position had been approved by DOC?

4. Who, specifically, at DOC agreed to such a move or agreed to consider such a move?

5. Who, specifically, did you communicate with at DCRA about paying a salary differential for [the unit member]?

6. Under what authority are you attempting to negotiate a new position and/or compensation for [the unit member]?

(R&R at pgs. 7-8).

In response, Anderson sent the following e-mail:

> "Addressing your questions in reverse order: After an election in March 05, Local 1403 was certified by PERB as the exclusive representative for all 905 lawyers at agency counsel, including [the unit member]. *See* D.C. Code Section 1-617.11(a).... As you are aware, I am the president of Local 1403 and therefore represent [the unit member], and most of your employees, regarding all "terms and conditions of employment." I decided not to respond to your prior e-mail in writing, because the tone seemed hostile. However, it's hard for me to judge the tone of emails. Regardless, I did call & e-mail you saying I would answer your questions, in an effort to reach out and try to keep lines of communication open."
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> "On the merits, after [the unit member] was fired, I asked [Adams] if [the unit member] could find another position, could she transfer to it. I understood him to say that you were agreeable to letting [her] transfer if she could find someone who wanted her. Thereafter, it appeared that DOC might fit the bill and I am working to make that transfer happen. Clearly, no deal has been struck. Moreover, I would like to know your position—especially, if I am incorrect about where you stand. So, I hope to hear from you."
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> "As you know, the up tick[sic] in firings, and complaints of unfair treatment and/or discriminatory treatment is of great concern to the union. I hope that a revised acceptable transfer policy would allow employees who are proven to be good workers, but who are not compatible with their current supervisor, to transfer and thereby avoid termination. This is an item on the labor management

> meeting agenda Thursday. If you decide to attend, we can talk about [the unit member] afterwards."

(R&R at pgs 8-9).

On September 29th, the AG responded via e-mail to Anderson indicating that he did not believe Mr. Anderson's previous e-mail adequately addressed his questions. In addition, the AG indicated that failure to answer the questions would result in disciplinary action. (R&R at p. 9). Anderson replied by e-mail dated September 29, stating that he would not answer the questions and that the AG's questions and threat of disciplinary action were an illegal interference with protected concerted activities and union activities. (See R&R at p. 10).

The next day, the AG responded to Anderson, claiming that his concern over Anderson's activities "has very little to do with your status as president of the union," and instead "has everything to do with you, as an employee of the Office of the Attorney General, inappropriately and fraudulently representing to two separate agencies that the Attorney General had approved a personnel transfer involving an attorney in the Legal Service." (R&R at p. 10). The AG advised Anderson that no employee can be permitted in effect to usurp the AG's personnel authority, and that Anderson's "status as union president does not give you special power to do so." (R&R at p. 10).

One week later, on October 5, the AG proposed to formally reprimand Anderson for insubordination based upon his "refusal to provide a written explanation to me concerning your efforts to negotiate an inter-agency transfer and compensation on behalf of [the unit member]." (R&R at p. 10). The AG concluded the proposal letter with a re-issuance of his order that Anderson provide written responses to the six questions posed by the AG's e-mail of September 23, and that, "[f]ailure to do so will result in further corrective or disciplinary action." (R&R at p. 10). The AG also informed Anderson that he was referring the matter to OAG's Ethics Committee for investigation into the question of whether Anderson violated governmental or professional ethics. On October 7, Anderson responded to the six questions posed by the AG in his e-mail of September 23. (See R&R at p. 11). Additional questions from the AG followed, which Anderson answered and indicated that the AG's actions had led to the filing of two union grievances and a charge of unfair labor practice. (See R&R at p. 11).

One month later, on November 8, the AG formally admonished Anderson as a result of his alleged misrepresentation to Mansfield that the AG had authorized the unit member's transfer from DCRA to DOC with an enhanced salary. The reprimand and admonishment remain in dispute, but the Ethics Committee referral was withdrawn before the Hearing Examiner issued his R&R. (See R&R at p. 11).

In light of the above, the Union filed the instant Complaint alleging that the OAG violated the CMPA.[1] In its Answer, OAG denies the allegations and claims that the Union failed to state a statutory cause of action. (See Amended Answer pgs. 1-7). Also, OAG asserts that its actions were taken within its managerial rights under the CMPA in requesting President Anderson to answer the AG's questions. In addition, OAG contends that the Board should defer the matter to the grievance procedure in the parties' collective bargaining agreement. (See Amended Answer at pgs. 7-8).

III. The Hearing Examiner's Report

Based on the pleadings, the record developed at the hearing and the parties' post-hearing briefs, the Hearing Examiner identified three issues for resolution. These issues, his findings and recommendations are as follows:

1. Whether Anderson Was Engaged in Protected Concerted Activity Known to the Agency.

The Hearing Examiner noted that both parties relied on *Wright Line v. National Labor Relations Board,* 250 NLRB 1083 (1980), *enforced* 662 F.2d 899 (1st cir. 1981), *cert. denied* 455 US 989 (1982), regarding the shifting burdens of proof applicable to this dual-motive case. Further, he indicated that under the *Wright Line* standard, the Union bears the initial burden of making a *prima facie* showing that an unfair labor practice has been committed. (See R&R at p. 13).

Relying on *Butler v. District of Columbia Department of Corrections,* 49 DCR 1152, Slip Op. 673 at 3, PERB Case No. 02-U-02 (2002); and *Doctors Council v. District of Columbia Department of Mental Health Services,* 47 DCR 7568, Slip Op. 636 at p. 3, PERB Case No. 99-U-06 (2000), the Hearing Examiner stated that in order to prove its case, the Union must ultimately prove by a preponderance of the evidence that Anderson engaged in protected concerted activity known to OAG, and that the OAG subsequently took adverse action against Anderson that was either motivated by anti-union animus linked to that concerted activity, or was intended to restrain, coerce, or interfere with protected rights. (See R&R at pgs 13-14). The Hearing Examiner also noted that in *Doctors Council,* the Board recognized that animus often cannot be proved directly, but must be proved through evidence of motivation. Consequently, the Hearing Examiner opined that it must be ascertained if the stated reason is pretextual, and the employment decision must be analyzed according to the "totality of the circumstances." (R&R at p. 14).

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[1] The Union moved to amend its original complaint in order to include the AG's letter of admonition of President Anderson issued after the Union filed its original complaint. The Hearing Examiner granted the motion in a preliminary order. (See R&R at pgs. 1-2). The Board affirms the granting of the Motion in the interests of administrative economy, and because the additional charge is directly related to the incidents which led to the original complaint.

The Hearing Examiner found that OAG knew that Anderson's activities underlying this proceeding were taken as the exclusive bargaining representative of a bargaining unit member who was facing discharge. (See R&R at p. 14). The Hearing Examiner noted "that the AG ultimately formally admonished Anderson for precisely this activity, which he characterized as usurping the AG's personnel authority." (R&R at p. 14).

The Hearing Examiner indicated that D.C. Code § 1-617.11(a) expressly establishes the right of certified labor organizations "to act for and negotiate agreements covering all employees in the unit." (R&R at p. 14-15). The Hearing Examiner stated that "[t]his right includes the right to pursue grievances, which surely includes the right to negotiate over proposed disciplinary action to be taken against a unit member." (R&R at p. 15). The Hearing Examiner found that this right is among the most fundamental and prevalent features of union representation, and that the Board has indicated its broad agreement with this principle in *AFGE, Local 2741 v. District of Columbia Department of Parks and Recreation*, 50 DCR 5049, Slip Op. 697 at 5, PERB Case No. 00-U-22 (2003). (See R&R at p. 15).

The Hearing Examiner determined that this reasoning applied "to Anderson's actions in responding to the AG's September 23 questionnaire, which was followed by the September 29 threat of discipline if Anderson refused to respond to the questionnaire." (R&R at p. 15). The Hearing Examiner concluded that the dispute between Anderson and the AG over Anderson's activities grew directly from Anderson's activities on behalf of the unit member, and that they were protected activity under the authority of D.C. Code § 1-617.11(a). (See R&R at p. 15).

No exceptions were filed by either party to the findings and conclusions made by the Hearing Examiner regarding this issue. However, pursuant to D.C. Code § 1-605.02(3) and Board Rule 520.14, the Board has reviewed the findings, conclusions and recommendations of the Hearing Examiner with respect to this issue. See *Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO/CLC v. District of Columbia Public Schools*, 43 DCR 5585, Slip Op. No. 375 at p. 2, PERB Case No. 93-U-11 (1994). Based on the foregoing, the Board finds that the Hearing Examiner's findings and conclusions are reasonable, supported by the record and consistent with Board precedent. Therefore, the Board adopts the Hearing Examiner's findings and conclusions that Anderson was engaged in protected activity under the authority of D.C. Code § 1-617.11(a).

2. *Whether the AG's September 23 Questionnaire and Subsequent Reprimand of Anderson Constitute Unfair Labor Practices.*

Once the Hearing Examiner determined that Anderson was engaged in protected activity and that OAG was aware that Anderson was acting in his representative capacity, he found a presumption of an unfair labor practice, which OAG had to rebut by demonstrating a non-prohibited basis for its disputed action. (See R&R at p. 13). In

addition, the Hearing Examiner determined that if OAG was able to produce evidence of a non-prohibited basis for its action, sufficient to balance the Union's *prima facie* case, the ultimate burden of proving its claim by a preponderance of the evidence would fall to the Union.[2] (See R&R at p. 13).

The Hearing Examiner found that both parties recognized that a Union official, even a Union President, is not cloaked with immunity from discipline when engaged in protected concerted activity.[3] (See R&R at p. 15). The Hearing Examiner further noted that although Anderson was engaged in protected concerted activity when engaged in answering the AG's September 23 questionnaire, the AG, on behalf of OAG, was within his rights in seeking the information in the questionnaire. Also, the Hearing Examiner indicated that "Anderson's claim that the questionnaire covered matters readily knowable to the AG, such that the questionnaire inferentially is evidence of animus intended to chill Anderson's representational activities, did not dispose of the matter." (R&R at p. 15).

The Hearing Examiner determined that although Anderson was engaged in protected concerted activity, the AG is responsible for the conduct of affairs within OAG, and has the right, as set forth in the CMPA, to manage the office. Relying on D.C. Code § 1-617.08(a)(1), (2), and (4), the Hearing Examiner noted that the AG has the express right to direct employees, including the right to transfer employees or to discipline those employees for cause, and to maintain the efficiency of the operation of the office. (See R&R at p. 16).

The Hearing Examiner found that at the time the questionnaire was provided to Anderson, he was not subject to any threats or recriminations by the AG. The Hearing Examiner added that those threats and recriminations did not come until later, after Anderson refused to answer the questions posed by the AG. (See R&R at p. 16).

The Union argued that there need not be evidence that the questionnaire actually did interfere with, restrain, or coerce Anderson in his protected activities. Instead, the Union contended that it is enough that the questionnaire reasonably could be viewed as having that effect. (See R&R at p. 17). However, the Hearing Examiner found that, after considering all of the circumstances of this case, the questionnaire's six questions sought only factual information relating directly to matters squarely within the AG's managerial authority, as explicitly recognized by the CMPA. With no accompanying threats of discipline or reprisal, the Hearing Examiner concluded that the questionnaire is not reasonably regarded as having the potential to "unlawfully quell protected activity." (R&R at 17).

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[2] In his analysis, the Hearing Examiner relied on *Ware v. District of Columbia Department of Consumer and Regulatory Affairs*, 46 DCR 3367, Slip Op. 571 at p. 2, n. 2, PERB Case No. 96-U-21 (1999).

[3] *See, e.g., District of Columbia Nurses Ass'n*, 32 DCR 3355, Slip Op. 112, PERB Case No. 84-U-08 (1985).

The Hearing Examiner found that the AG admittedly had discipline in mind when he directed the questionnaire to Anderson. (See R&R at p. 17). However, the Hearing Examiner believed that under the circumstances, the "tinge of animus . . . was not sufficient to overcome the legitimacy of the six questions, and therefore the Union has not carried its burden of proof under the *Wright Line* standard as adopted by the Board." (R&R at p. 17).

In addition, the Hearing Examiner was persuaded that, having concluded that the questions were lawfully asked, the AG had a right to hold Anderson accountable for refusing to answer them. (See R&R at p. 17). Whereas the Hearing Examiner believed that the questions were related to Anderson's protected activities on behalf of the unit member, he also found that they related to the AG's managerial prerogatives. In accordance with *Wright Line*, the Hearing Examiner determined that the Union proved that Anderson was engaged in protected activity, but OAG persuaded the Hearing Examiner that legitimate, non-prohibited reasons existed for the AG's action in reprimanding Anderson for refusing to cooperate with his investigation. (See R&R at p. 18). Consequently, the Hearing Examiner concluded that the AG's September 23 questionnaire and subsequent reprimand of Anderson did not constitute an unfair labor practice. (See R&R at p. 18).

The Complainant's exception to this finding contends that "[t]he Hearing Examiner erred by failing to take into account the fact, [as] documented in e-mails, that Anderson answered the AG's first request for an explanation, but that the AG rejected Anderson's truthful and accurate explanation and proceeded to demand additional and superfluous information, threatened Anderson with discipline, and then imposed the reprimand." (Exceptions at p. 5).

The Board has held that challenges to evidentiary findings do not give rise to a proper exception where, as here, the record contains evidence supporting the Hearing Examiner's findings. *Hatton v. FOP/DOC Labor Committee*, 47 DCR 769, Slip Op. No. 451 at p. 4, PERB Case No. 95-U-02 (2000). The Board has also rejected challenges to the Hearing Examiner's findings based on: (1) competing evidence; (2) the probative weight accorded evidence; and (3) credibility resolutions. *American Federation of Government Employees, Local 2741 v. D.C. Department of Recreation Parks*, 46 DCR 6502, Slip Op. No. 588, PERB Case No. 98-U-16 (1999). In view of the above, the Board finds the Hearing Examiner's finding that OAG did not violate the CMPA to be reasonable, supported by the record, and consistent with Board precedent. Therefore, the Board adopts the Hearing Examiner's findings and conclusions that OAG did not violate the CMPA by: (1) requesting Mr. Anderson to answer the aforementioned questionnaire; and (2) reprimanding Mr. Anderson for his failure to answer the questions.

3. *Whether the AG's Referral of Anderson to OAG Ethics Committee and Subsequent Admonishment Are Unfair Labor Practices.*

The Hearing Examiner determined that Anderson's protected concerted activity on behalf of the unit member motivated the AG's referral of Anderson to the Ethics Committee and his subsequent admonishment. (See R&R at p. 18). OAG claimed that there was no link between the referral, the admonition and Anderson's protected activity. (See R&R at p. 19). However, based on the totality of circumstances, the Hearing Examiner concluded that it could be inferred from the record that the referral and admonition were motivated by anti-union animus. (See R&R at p. 20).

The Hearing Examiner noted that under: (a) D.C. Code § 1-617.04(a)(1) it is an unfair labor practice to interfere with, restrain, or coerce any employee in the exercise of protected rights; and (b) D.C. Code § 1-617.04(a)(4) it is unlawful for an agency to take reprisals against an employee for his exercise of protected rights. (See R&R at p. 25). The Hearing Examiner determined that OAG violated these two provisions when it referred Anderson to the Ethics Committee and issued him a formal admonishment for attempting to negotiate a transfer for a bargaining unit member facing termination. (See R&R at p. 25). Also, the Hearing Examiner concluded that OAG made the referral and issued the admonishment on the basis of an inaccurate assessment of the facts, and that the totality of circumstances suggests that OAG misconstrued the underlying facts either intentionally or in willful disregard of the truth. (See R&R at pgs. 25-26). Such reprisals, the Hearing Examiner reasoned, violate D.C. Code § 1-617.04(a)(1) and (4). *See, e.g., Teamsters Local 730 v. District of Columbia Public Schools*, 43 DCR 5585, Slip Op. 375, PERB Case No. 93-U-11 (1994).[4] (See R&R at p. 26).

No exceptions were filed by either party to the Hearing Examiner's findings, conclusions or recommendations regarding this issue. The Board finds that the Hearing Examiner's findings and conclusions concerning this issue are reasonable, supported by the record and consistent with Board precedent. Therefore, the Board adopts the Hearing Examiner's findings and conclusions that OAG violated D.C. Code § 1-617.04(a)(1) and (4) by referring Anderson to the Ethics Committee and issuing an admonishment.

IV. Remedy

Having determined that OAG violated the CMPA, the Hearing Examiner considered the issue of what is the appropriate remedy in this case. By way of remedy, the Hearing Examiner recommended that the reprisals must be reversed. (See R&R at p. 26). "The Ethics referral has been withdrawn, but the Hearing Examiner recommended that all records of that referral must be expunged from all files within OAG and wherever else they may have been placed at OAG's behest." (R&R at p. 26). In addition, the Hearing Examiner recommended that the admonition must also be expunged from all

[4] Although the Union alleges a violation of § D.C. Code 1-617.04(a)(3) rather than (a)(4), the Hearing Examiner believed it appropriate to consider the allegation as relating to (a)(4) under the authority of *Teamsters Local 730*, Slip Op. 375, PERB Case No. 93-U-11 (1994). The Board agrees.

files. (See R&R at p. 26). Lastly, the Hearing Examiner recommended that OAG "should be directed to cease and desist from violating Anderson's rights thereunder in a like manner, and a notice detailing the unfair labor practices should be posted conspicuously in appropriate places." (R&R at p. 26).

No exceptions were filed by either party to the Hearing Examiner's recommended remedy. The Board has previously found that cease and desist orders are appropriate where it has been found that an agency has taken reprisals against or threatened members engaging in protected activity. See *Fraternal Order of Police/ Metropolitan Police Department Labor Committee v. Metropolitan Police Department*, 32 DCR 4530, Slip Op. No. 116, PERB Case No. 84-U-02 (1985); and *American Federation of Government Employees, Local 2978 v. District of Columbia Department of Health*, 52 DCR 1655, Slip Op. No. 771, PERB Case No. 04-U-27 (November 18, 2004). The Board has also allowed the remedy of removing records of disciplinary action from an employee's personnel record. See *University of the District of Columbia Faculty Association/National Education Association and the University of the District of Columbia*, 32 DCR 5914, Slip Op. No. 124, PERB Case No. 85-A-01 (1985).

The Hearing Examiner also recommended that the Board direct the Respondent to post a notice of their violation of the CMPA. The Board has "recognize[d] that when a violation is found, the Board's order is intended to have therapeutic as well as remedial effect. Moreover, the overriding purpose and policy of relief afforded under the CMPA for unfair labor practices, is the protection of rights and obligations." *National Association of Government Employees, Local R3-06 v. D.C. Water and Sewer Authority*, 47 DCR 7551, Slip Op. No. 635 at pgs. 15-16, PERB Case No. 99-U-04 (2000). In light of the above, the Board adopts the Hearing Examiner's recommendation that OAG post a notice to all employees concerning the violations found and the relief afforded, notwithstanding the fact that all employees may not have been directly affected. By requiring the Respondent to post a notice, "bargaining unit employees . . . would know that [the Respondent] has been directed to comply with their bargaining obligations under the CMPA." *Id.* at p. 16. "Also, a notice posting requirement serves as a strong warning against future violations." *Wendell Cunningham v. FOP/MPD Labor Committee*, 47 DCR 7773, Slip Op. No. 682 at p. 10, PERB Case Nos. 01-U-04 and 01-S-01 (2002).

The Board has reviewed the Hearing Examiner's recommended remedy and finds it to be reasonable, supported by the record and consistent with Board precedent. Therefore, the Board adopts the Hearing Examiner's remedy.

ORDER

IT IS HEREBY ORDERED THAT:

1. The District of Columbia Office of the Attorney General ("OAG") its agents and representatives shall cease and desist from violating D.C. Code § 1-617.04(a)(1)

by interfering with, restraining, or coercing employees in the exercise of the rights guaranteed by the Labor-Management Subchapter of the District of Columbia Comprehensive Merit Personnel Act ("CMPA").

2. OAG, its agents and representatives shall cease and desist from violating D.C. Code § 1-617.04(a)(4) by taking reprisals against any union official because he or she has acted in a representative capacity on behalf of a bargaining unit member or against any employee for engaging in any other protected activity under the CMPA.

3. OAG, its agents and representatives shall immediately expunge all records of Steve Anderson's referral to the Ethics Committee from all files within OAG and wherever else they may have been placed at OAG's behest. In addition, OAG shall rescind and expunge from all files the November 8, 2005 Letter of Admonition administered to Anderson.

4. OAG shall conspicuously post within ten (10) days from the issuance of this Decision and Order the attached Notice where notices to employees are normally posted. The Notice shall remain posted for thirty (30) consecutive days.

5. OAG shall notify the Public Employee Relations Board ("Board"), in writing within fourteen (14) days from the issuance of this Decision and Order that the Notice has been posted accordingly. In addition, OAG shall notify the Board of the steps it has taken to comply with paragraph 3 of this Order.

6. Pursuant to Board Rule 559.1, and for purposes of § D.C. Code 1-617.13(c), this Decision and Order is effective and final upon issuance.

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

March 10, 2008

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 06-U-01 was transmitted via Fax and U.S. Mail to the following parties on this the 10th day of March 2008.

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NOTICE

TO ALL EMPLOYEES OF THE DISTRICT OF COLUMBIA OFFICE OF THE ATTORNEY GENERAL, THIS OFFICIAL NOTICE IS POSTED BY ORDER OF THE DISTRICT OF COLUMBIA PUBLIC EMPLOYEE RELATIONS BOARD PURSUANT TO ITS DECISION AND ORDER IN SLIP OPINION NO. 935, PERB CASE NO. 06-U-01 (MARCH 10, 2008).

WE HEREBY NOTIFY our employees that the District of Columbia Public Employee Relations Board has found that we violated the law and has ordered us to post this notice.

WE WILL cease and desist from violating D.C. Code § 1-617.04(a)(1) and (4) by the actions and conduct set forth in Slip Opinion No. 935.

WE WILL NOT, in any like or related manner: (1) interfere, restrain, coerce; or (2) take any reprisals against employees for exercising or pursuing their protected rights guaranteed by the Labor-Management Subchapter of the District of Columbia Comprehensive Merit Personnel Act.

District of Columbia Office of the Attorney General

Date:_____ By:_____
Attorney General

This Notice must remain posted for thirty (30) consecutive days from the date of posting and must not be altered, defaced or covered by any other material.

If employees have any questions concerning this Notice or compliance with any of its provisions, they may communicate directly with the Public Employee Relations Board, whose address is 717 14th Street NW, Suite 1150, Washington, D.C. 20005. Phone: 202-727-1822.

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

March 10, 2008