



In their Motion, the Complainants argue that the Board should reconsider its dismissal because two Complainants were unable to vote in the March 30, 2023, union election, thereby suffering a personal injury.<sup>4</sup> Of the two individuals named, only one is a Complainant. Thus, the Board will exclusively consider whether she has standing.<sup>5</sup> The record includes affidavits from that individual, which assert that she was unable to attend the March 30, 2023, election because she was scheduled to work at that time, and because she found public transportation unreliable and impractical. Additionally, the Complainants argue that she was hindered from voting by the limited battery power of her electric wheelchair.<sup>6</sup>

The Board has held that allegations of inconvenient meeting times and places leading to low turnout, standing alone, may not establish a standards of conduct violation.<sup>7</sup> Such allegations must be supported by an allegation of actual injury.<sup>8</sup> Here, the record shows that unlike the other Complainants, the Complainant in question was scheduled to work and was unable to vote in the March 30, 2023, election, thereby suffering an actual injury. Thus, she alone has standing to bring the Complaint.

Regarding the merits of the aggrieved Complainant's claim, the Board has established that a union's conduct must be arbitrary, discriminatory or in bad faith, or be based on considerations that are irrelevant, invidious, or unfair for the Board to find a standards of conduct violation.<sup>9</sup> The March 30, 2023, election was held on a Thursday morning, when most D.C. branch libraries are closed.<sup>10</sup> Additionally, the Woodridge Library (where the March 30<sup>th</sup> election was held) is not the furthest branch from a Metro station and was accessible to all members by Metro bus.<sup>11</sup> Thus, the election time and location maximized members' ability to participate. The Board has found no evidence that AFSCME's conduct was arbitrary, discriminatory or in bad faith, or based on irrelevant, invidious, or unfair considerations. Therefore, the Board finds that AFSCME did not commit an unfair labor practice.

For the reasons stated, the Motion for Reconsideration is denied. The Complainants have not provided any authority that would compel the Board to reach a different result. Absent such authority, the Board will not overturn its decision.<sup>12</sup>

---

<sup>4</sup> Motion at 2 (citing Complainants' Response to AFSCME's Exceptions at 5).

<sup>5</sup> Where a group of individually named members files a standards of conduct complaint, the Board will exclusively consider allegations brought by named complainants who allege that they suffered an actual personal injury. See *Bryan v. FOP/DOC Labor Comm.*, 68 D.C. Reg. 43, Slip Op. No. 1797 at 1, fn. 1, PERB Case No. 20-S-03 (2021).

<sup>6</sup> Complainants' Post-Hearing Brief at 3-4.

<sup>7</sup> *Richardson v. FOP/DOC Labor Comm.*, 60 D.C. Reg. 16000, Slip Op. No. 1426 at 3-4, PERB Case No. 11-S-01 (2013).

<sup>8</sup> *Id.* (citing *Butler v. FOP/DOC Labor Comm.*, 46 D.C. Reg. 4409, Slip Op. No. 580 at 1, fn. 1, 4, PERB Case No. 99-S-02 (1999)),

<sup>9</sup> *Renee Jackson v. Teamsters Local Union No. 639, a/w International Brotherhood of Teamsters*, 63 D.C. Reg. 7573, Slip Op. No. 1572 at 3, PERB Case No. 14-S-02 (2016).

<sup>10</sup> *Plan a Visit*, DC Public Library, <https://www.dclibrary.org/plan-visit>.

<sup>11</sup> Hearing Transcript at 57-58, 208. The Woodridge Library is less than 1.5 miles from the Rhode Island Ave-Brentwood and Brookland-CUA Metro stations, while the Palisades Library is more than 2.5 miles from the nearest Metro station, Tenleytown -AU.

<sup>12</sup> *FOP/MPD Labor Comm. v. MPD*, 60 D.C. Reg. 12058, Slip Op. No. 1400 at 6, PERB Case No. 11-U-01 (2013).

**ORDER**

**IT IS HEREBY ORDERED THAT:**

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

July 18, 2024

**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.