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In the Matter of:	)	
	)	
Christina Lassiter	)	
	)	
Complainant	)	PERB Case No. 25-S-01
	)	
v.	)	Opinion No. 1968
	)	
American Federation of Government	)	
Employees Local 1975	)	
	)	
Respondent	)	
	)	

I. Statement of the Case

On September 25, 2025, the Hearing Examiner issued a report and recommendations (Report) which recommended dismissal of the Complaint on the basis that all the allegations

⁴ The Hearing Examiner determined that the alleged confidentiality breach during mediation would most appropriately be addressed by the court adjudicating the related civil cases, as opposed to PERB.

therein were untimely under Board Rule 544.4.⁵ The Complainant filed exceptions on October 8, 2025. On January 15, 2026, the Board issued Opinion No. 1946 in this matter, finding that the Respondent failed to assert the timeliness defense in its Answer, thereby waiving its entitlement to the enforcement of that defense and the relief it provides.⁶ The Board concluded that the Report was inconsistent with PERB precedent regarding waiver of the one hundred twenty (120)-day filing rule and thus, remanded this case to the Hearing Examiner for a report and recommendation based on the merits of the Complaint.⁷

On March 31, 2026, at the Respondent's request, the Hearing Examiner reopened the record to provide the parties with an opportunity to submit supplemental materials. On April 15, 2026, the parties submitted supplemental documentation, and on April 30, 2026, they submitted additional briefs. On July 11, 2026, the Hearing Examiner issued a report and recommendations on remand (Report on Remand), weighing the merits of the Complaint and recommending dismissal on the basis that the Complainant had failed to prove by a preponderance of the evidence that the Union acted in a manner which was arbitrary, discriminatory or in bad faith.⁸ On July 28, 2026, the Complainant filed exceptions (Exceptions) to the Report on Remand.

For the reasons stated herein, the Complaint is dismissed.

II. Hearing Examiner's Report and Recommendation

A. Hearing Examiner's Factual Findings

The Hearing Examiner made the following factual findings. On November 3, 2022, DMV reassigned the Complainant to the Processing Center, which she alleges was a hostile and toxic work environment due to the conduct of her supervisor and manager.⁹ One year after her reassignment, the Complainant reached out to an AFGE representative with her concerns regarding the work environment and was provided with contact information for the Union's equal employment opportunity (EEO) officer.¹⁰ The EEO officer met with the Complainant in December 2023 to discuss her supervisor's conduct, and assured the Complainant that her concerns would be addressed.¹¹ A mediation session was held on December 12, 2023, but failed to resolve the issue.¹²

AFGE's EEO officer spoke with two Union representatives about the Complainant's situation.¹³ On January 26, 2024, the EEO officer told the Complainant that she was going to have the Union send her a list of additional individuals who could help with her EEO concerns.¹⁴ The

⁵ Report at 9. Board Rule 544.4 provides that a standards of conduct complaint must be filed no later than one hundred twenty (120) days from the date the alleged violation occurred or the date the complainant knew or should have known of the alleged violation, if later.

⁶ *Lassiter v. AFGE, Local 1975*, 73 D.C. Reg. 3763, Slip Op. No. 1946 at 5, PERB Case No. 25-S-01 (2026)).

⁷ *Id.* at 5-6.

⁸ Report on Remand at 9.

⁹ Report on Remand at 3-4.

¹⁰ Report on Remand at 6. At the time, the Complainant mistakenly believed that she was interacting with an EEO Officer from the Agency, as opposed to from the Union. Report on Remand at 9.

¹¹ Report on Remand at 6.

¹² Report on Remand at 6.

¹³ Report on Remand at 6.

¹⁴ Report on Remand at 6.

Complainant exchanged messages with one of the Union representatives, but his responses were delayed due to health issues.¹⁵ The Complainant asserts she requested her personnel file and completed the necessary Power of Attorney form to secure its release, but she later learned that the Union had neither requested nor received the file.¹⁶ The Complainant subsequently reached out to AFGE and was assured that the Union would obtain it.¹⁷

On February 23, 2024, DMV placed the Complainant on administrative leave, citing ongoing disputes with other employees.¹⁸ On March 6, 2024, the Union sent a letter to the deciding Official, arguing that the proposed termination should be rescinded and that the Agency should engage in progressive discipline instead, beginning at Step 1.¹⁹ On April 26, 2024, the Agency terminated the Complainant based on an alleged verbal and physical altercation with a coworker.²⁰

AFGE represented the Complainant during her administrative leave and termination.²¹ However, the Complainant alleges that she experienced a lack of support from the Union during that time.²² The Complainant asserts that although she was terminated, in part, based on a charge of physical assault, the Union failed to raise the defense that none of the employees whom the Shop Steward interviewed post-incident mentioned a physical conflict.²³

The Complainant asserts on September 19, 2024, the Union publicly acknowledged the hostile working environment at the DMV Processing Center in a television news broadcast but failed to act to address the working conditions.²⁴ The Union denies this claim.²⁵

B. Hearing Examiner's Recommendations

In the original Report, the Hearing Examiner found that the Complainant was reassigned to the processing center on November 3, 2022 (eight hundred and twenty-five (825) days prior to the date of filing).²⁶ The Complaint lists the date of awareness of the standard of conduct violation as December 9, 2024.²⁷ The Hearing Examiner found that the reason for the delay, offered in the pleadings and at the hearing, did not sufficiently explain the delay in filing the charges in this matter.²⁸ The Hearing Examiner recommended dismissal on the basis that “none of the evidence

¹⁵ Report on Remand at 6.

¹⁶ Report on Remand at 6.

¹⁷ Report on Remand at 6, 10. The Report on Remand does not indicate whether the Complainant or AFGE ever received a copy of her personnel file. The Complainant's Exceptions assert it was never received. Exceptions at 4.

¹⁸ Report on Remand at 3.

¹⁹ Report on Remand at 9.

²⁰ Report on Remand at 3. The Complainant appealed her termination to the District of Columbia Office of Employee Appeals (OEA), which reversed the Agency's decision and ordered it to reinstate her. Exceptions at 4.

²¹ Report on Remand at 6.

²² Report on Remand at 3-4.

²³ Report on Remand at 6.

²⁴ Report at 4.

²⁵ Report at 4.

²⁶ Report at 4. The Hearing Examiner presumably calculated this timeframe based on February 5, 2025—the date that the second amended complaint was filed and the deficiencies were cured. The Board notes that when assessing the timeliness of a complaint, PERB measures from the initial date of filing—here, January 15, 2025—rather than the date deficiencies were cured. However, this distinction is inconsequential to the instant determination, as the timeliness issue has been waived.

²⁷ Complaint at 5.

²⁸ Report at 8.

submitted or items included in the pleadings proves by a preponderance of the evidence that this untimely filing should be permitted.”²⁹

The Board reviewed the Report and concluded that the Hearing Examiner had misapplied the one hundred and twenty (120)-day claim processing rule.³⁰ The Board explained that although invocation of this rule triggers mandatory enforcement of the filing deadline, where, as here, a respondent fails to raise the issue, the deadline is waived.³¹ Accordingly, the Board remanded the case for a decision on the merits.

In the Report on Remand, the Hearing Examiner established that the Complainant had the burden to prove her allegations by a preponderance of the evidence.³² The Hearing Examiner observed that the instant Complaint alleges both standards of conduct and unfair labor practice violations, noting that under Board precedent, “a breach by an exclusive representative of the duty to fairly represent its employees—an unfair labor practice—does not constitute a breach of the standards of conduct, and vice versa.”³³ The Hearing Examiner explained, however, that when either kind of allegation is raised against a union, the standard is the same. The determining factor is whether the union’s representation was in good faith—i.e., whether its conduct is arbitrary, discriminatory, or in bad faith, or is based on considerations that are irrelevant, invidious, or unfair.³⁴

The Hearing Examiner first addressed the allegation that AFGE violated the standards of conduct established under D.C. Official Code § 1-617.03(a)(1) and (3) by failing to treat the Complainant fairly and equally, as required under the Union’s governing rules.³⁵ The Hearing Examiner established that “[t]he right to be fairly represented arises from a Union’s role as the employee’s collective bargaining representative.”³⁶ The Hearing Examiner reviewed the Complainant’s claim—that her reassignment breached the duty of fair treatment established under AFGE’s rules—and determined it was sufficient to establish a *prima facie* standards of conduct claim under the CMPA.³⁷ However, the Hearing Examiner found the Complainant had failed to show by a preponderance of the evidence that she was unfairly reassigned or subjected to a hostile work environment due to arbitrary, discriminatory or bad faith conduct on the part of the Union.³⁸

²⁹ Report at 9.

³⁰ *Lassiter*, Slip Op. No. 1946 at 5.

³¹ *Id.* See *FOP/MPD Labor Comm. v. MPD*, 67 D.C. Reg. 11472, Slip Op. No. 1756 at 3, PERB Case No. 20-A-07 (2020) (citing *Neill v. D.C. Pub. Employee Relations Bd.*, 93 A.3d 229, n. 5 (D.C. 2014) (holding that “where a [] claim-processing rule is ‘properly invoked [by a party] ... [it] must be enforced[.]’”).

³² Report on Remand at 7.

³³ Report on Remand at 8 (citing *Jackson v. Teamsters Local No. 639*, 63 D.C. Reg 7573, Slip Op. No. 1572 at 3, PERB Case No. 14-S-02 (2016)).

³⁴ Report on Remand at 8-9 (citing *Vaca v. Sipes*, 386 U.S. 171 (1967); *Jackson v. Teamsters Local No. 639*, 63 D.C. Reg 7573, Slip Op. No. 1572 at 5, PERB Case No. 14-S-02 (2016); *Owens v. AFSCME, Local 2095 and Nat’l Union of Hosp. and Healthcare Emps.*, 52 D.C. Reg. 1645, Slip Op. No. 750, PERB Case No. 02-U-27 (2005)).

³⁵ Report on Remand at 7.

³⁶ Report on Remand at 7 (citing *Dupree v. FOP/DOC Labor Comm.*, 46 D.C. Reg. 4034, Slip Op. No. 568, PERB Case Nos. 98-S-08 & 98-U-23 (1999)).

³⁷ Report on Remand at 7.

³⁸ Report on Remand at 8-9.

Thus, the Hearing Examiner recommended dismissal of the Complainant's standards of conduct claim.

The Hearing Examiner then addressed the Complainant's unfair labor practice allegations—that AFGE violated D.C. Official Code § 1-617.04(b)(1) and breached its duty of fair representation by (1) failing to support the Complainant through her administrative leave and termination; and (2) publicly acknowledging the hostile working environment at the Agency yet failing to act to address the working conditions.³⁹ The Hearing Examiner noted that “[a]n unfair labor practice [complaint] alleging a breach of a union's duty of fair representation concerns infringements by the union of employees' statutory collective bargaining rights under the CMPA.”⁴⁰ The Hearing Examiner explained that under Board precedent, the question of whether a union has breached its duty of fair representation hinges not on the competence of the union, but on whether it operated in good faith.⁴¹

Concerning the first unfair labor practice allegation, the Hearing Examiner found that although evidence indicated the parties had communication difficulties, the Complainant did not present sufficient evidence to prove that the union was not operating in good faith nor that its conduct was arbitrary, discriminatory, or in bad faith, or was based on considerations that were irrelevant, invidious or unfair.⁴² Thus, the Hearing Examiner recommended dismissal of that claim.⁴³ Regarding the second unfair labor practice allegation, the Hearing Examiner observed that although a video the Complainant proffered showed the Union representative describing the Processing Center as toxic, there was no evidence the Union failed to act in response.⁴⁴ Therefore, the Hearing Examiner recommended dismissal of that claim as well.⁴⁵

III. Discussion

The Board will adopt a Hearing Examiner's Report and Recommendation if it is reasonable, supported by the record, and consistent with Board precedent.⁴⁶ The Board has held that “issues of fact concerning the probative value of evidence and credibility resolutions are reserved to the Hearing Examiner.”⁴⁷ The party asserting a violation of the CMPA, shall have the burden of proving the allegations of the complaint by a preponderance of the evidence.⁴⁸

In its Exceptions, the Complainant asserts that the Report on Remand failed to address the allegation that AFGE violated D.C. Official Code § 1-617.03(a)(2), which requires labor organizations to exclude from office any person identified with corrupt influences.⁴⁹ The

³⁹ Report on Remand at 7-8.

⁴⁰ Report on Remand at 8 (citing *Jackson*, Slip Op. No. 1572 at 4).

⁴¹ Report on Remand at 8 (citing *Jackson*, Slip Op. No. 1572 at 5).

⁴² Report on Remand at 10.

⁴³ Report on Remand at 10.

⁴⁴ Report on Remand at 11.

⁴⁵ Report on Remand at 11.

⁴⁶ *WTU, Local 6 v. DCPS*, 65 D.C. Reg. 7474, Slip Op. 1668 at 6, PERB Case No. 15-U-28 (2018). See *AFGE, Local 1403 v. D.C. Office of the Attorney General*, 59 D.C. Reg. 3511, Slip Op. No. 873, PERB Case No. 05-U-32 and 05-UC-01 (2012).

⁴⁷ *WTU, Local 6*, Slip Op. No. 1668 at 5. See *Council of Sch. Officers, Local 4 v. DCPS*, 59 D.C. Reg. 6138, Slip Op. No. 1016 at 6, PERB Case No. 09-U-08 (2010).

⁴⁸ See, Board Rule 550.1.

⁴⁹ Exceptions at 3.

Complaint broadly contends that “The union’s consistent failure to adequately address [the Complainant’s] complaints regarding an unsafe and hostile work environment over several months strongly suggests that their actions were motivated by a desire to maintain a favorable relationship with management.”⁵⁰ The Exceptions reiterate this claim, asserting that “the officers handling [the Complainant’s] matter were themselves DMV employees,” whose alleged inaction was “driven by personal gain.”⁵¹ However, the hearing transcript and post-hearing briefs reveal that the Complainant did not present any evidence at hearing to support the corrupt influence allegation. Thus, it is reasonable that the Report on Remand did not address it.

The Complainant also argues that the Board should reject the Report on Remand because it fails to assign sufficient weight to certain evidence the Complainant presented at the Hearing.⁵² The Complainant contends that the Report on Remand does not comply with Board Rule 550.20, which states that the Board must reach its decision upon a review of the entire record.⁵³ This argument is unavailing. The Board has held that issues of fact concerning the probative value of evidence and credibility resolutions are reserved to the hearing examiner.⁵⁴ Thus, it is the hearing examiner’s prerogative whether to credit or discredit the evidence presented at hearing. The fact that certain evidence was not explicitly mentioned in the Report on Remand does not indicate that the entire record was not considered.

The Exceptions argue that the Hearing Examiner erred in failing to independently discuss the “arbitrary” component of the standard for good faith representation.⁵⁵ The Complainant contends that “[a]bandoning an undertaken task without explanation may support arbitrariness,” citing two PERB decisions—one in which the Board found a union had breached its duty of fair representation by canceling a scheduled arbitration proceeding,⁵⁶ and the other in which the Board found the union had breached its duty by misleading a bargaining unit employee and abandoning their case.⁵⁷ Those matters are readily distinguishable from the instant case, in which the Hearing Examiner determined that although the Union representative’s health conditions caused his messages to be delayed, “[t]he correspondence submitted by both parties indicates that the Complainant and Respondent were in communication with each other.”⁵⁸ While the Report on Remand does not independently discuss the arbitrariness consideration, it clearly indicates that the Hearing Examiner found no arbitrary conduct by the Union.

The Exceptions criticize the Report on Remand for omitting discussion of the Union’s collective bargaining agreement (CBA) terms, to which the Complainant alleges it failed to adhere.⁵⁹ However, the Board has consistently held that if it must interpret the parties’ CBA in

⁵⁰ Complaint at 6.

⁵¹ Exceptions at 11-12.

⁵² Exceptions at 9-11 and 13-17.

⁵³ Exceptions at 9, 14.

⁵⁴ *WTU, Local 6*, Slip Op. No. 1668 at 5.

⁵⁵ Award at 10.

⁵⁶ Exceptions at 10 (citing *Chisolm, et al. v. OLRCB*, 49 D.C. Reg. 789, Slip Op. No. 656, PERB Case No. 99-U-32 (2002)).

⁵⁷ Exceptions at 10 (citing *Roney v. Lowery, AFGE 1975 President*, 63 D.C. Reg. 4603, Slip Op. No. 1565, PERB Case No. 15-U-03 (2026)).

⁵⁸ Report on Remand at 10.

⁵⁹ Exceptions at 10-11.

order to determine whether there has been a violation of the CMPA, then the Board does not have jurisdiction over those allegations.⁶⁰ Thus, the Hearing Examiner appropriately declined to comment on the Union's alleged failure to comply with the terms of the CBA.

Additionally, the Exceptions assert that the Hearing Examiner should have conducted fact-finding concerning the Respondent's alleged confidentiality breach during mediation.⁶¹ This argument is unfounded. PERB committed the instant matter to the Hearing Examiner for determinations regarding alleged violations of the CMPA—not of the mediation agreement. Thus, the Board concurs with the Hearing Examiner's conclusion that the alleged breach would most appropriately be addressed by the court adjudicating the related civil cases, as opposed to PERB.

The Exceptions express general dissatisfaction with the Union's actions. However, the Board has established that a unit member's dissatisfaction with the union's actions does not constitute a breach of the Union's duty of fair representation,⁶² noting that "[t]he complete satisfaction of all who are represented is hardly to be expected."⁶³ The union, as the statutory representative of the employee, is subject to complete good faith and honesty of purpose in the exercise of its discretion regarding the handling of union members' interests.⁶⁴ The Board has explained that it is not the competence of the union, but the absence or presence of good faith which determines whether a violation has occurred.⁶⁵ The Board has held that regardless of the effectiveness of a union's representation in the handling or processing of a bargaining unit employee's grievance, such matters are within the discretion of the union or the bargaining unit's exclusive bargaining representative.⁶⁶ Therefore, the Complainant's dissatisfaction with the Union's actions does not render them violative of the CMPA. Additionally, with regards to AFGE's effectiveness, the Board notes that the Union initiated representation of the Complainant before OEA⁶⁷—a proceeding which resulted in her reinstatement.

IV. Conclusion

The Board finds that AFGE did not violate D.C. Official Code §§ 1-617.03(a)(1), (2), (3), or 1-617.04(b)(1) of the CMPA.

⁶⁰ *DCPS v. WTU, Local 6*, 63 D.C. Reg. 11720, Slip Op. No. 1587 at 3, PERB Case No. 14-U-20 (2016) (citing *FOP/MPD Labor Comm. v. MPD*, 62 D.C. Reg. 13348, Slip Op. No. 1534 at 7, PERB Case No. 08-U-22 (2015)).

⁶¹ Exceptions at 12.

⁶² *Madison Fores v. Int'l Brotherhood of Teamsters, Local 1714*, 36 D.C. Reg. 7107, Slip Op. No. 229 at 2, PERB Case No. 88-U-20 (1989) (citing *Humphrey v. Moore*, 375 U.S. 335 (1964)).

⁶³ *Id.* at 3 (quoting *Ford Motor Co. v. Huffman*, 345 U.S. 330 (1953)).

⁶⁴ *Antoine, et al. v. Int'l Brotherhood of Teamsters, Local 730*, 61 D.C. Reg. 12845, Slip Op. No. 1496 at 8, PERB Case No. 14-U-17 (2014) (citing *Osborne, et al. v. AFSCME, Local 2095, et al.*, Slip Op. No. 713 at 5, PERB Case Nos. 02-U-30 & 02-S-09 (2003)).

⁶⁵ *Id.* (citing *Osborne, et al.*, Slip Op. No. 713 at 5).

⁶⁶ *Osborne, et al.*, Slip Op. No. 713 at 6 (citing *Williams v. AFSCME, Local 2290*, 43 D.C. Reg. 5598, Slip Op. No. 454 at 2, PERB Case No. 95-U-28 (1996)).

⁶⁷ Complainant's Exhibit 7; Respondent's Exhibit 4. The former Vice President of AFGE, Local 1975 represented Ms. Lassiter before OEA in her individual capacity.

ORDER

IT IS HEREBY ORDERED THAT:

1. This matter is dismissed in its entirety; 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 Lee Clark, Mary Anne Gibbons, and Renee Bowser.

September 17, 2026
Washington, D.C.

APPEAL RIGHTS

Pursuant to Board Rule 559.2, a party may file a motion for reconsideration, requesting the Board reconsider its decision. Additionally, 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 file an appeal.