

Notice: This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any errors so that they may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

Government of the District of Columbia  
Public Employee Relations Board

_____ )	
In the Matter of: )	
Christopher Collins, )	Standards of Conduct Complaint
)	
Complainant, )	PERB Case No. 10-S-10
)	
v. )	Opinion No. 1289
)	
American Federation of )	
Government Employees )	
National Office & Local 1975, )	
)	
Respondents. )	
_____ )	

**DECISION AND ORDER**

**I. Statement of the Case**

On July 6, 2010, Christopher Collins (“Collins” or “Complainant”) filed a Standards of Conduct complaint against American Federation of Government Employees National Office & Local 1975 (“Respondents”) alleging a Standards of Conduct violation. Respondents filed for a Motion to Dismiss (“Motion”) on October 27, 2010. Complainant responded by filing a Response to Motion to Dismiss (“Response to Motion”). Respondents countered with a Reply to Opposition to Motion to Dismiss (“Reply”).

**II. Discussion**

Board Rule 544.6 states in relevant part that “[a] respondent shall file, within fifteen (15) days from service of the complaint, an answer containing a statement of its position with respect to the allegations set forth in the complaint.” Board Rule 544.7 states that “[a] respondent who fails to file a timely answer shall be deemed to have admitted the material facts alleged in the complaint and to have waived a hearing. The failure to answer an allegation shall be deemed an admission of that allegation.”

Collins' Complaint was filed on July 6, 2010. The Respondents' answer was not filed until October 27, 2010 – well outside the fifteen day time limit for a response pleading established in Rule 544.6. Thus, the Respondents' Motion and all subsequent filings will not be considered.

Pursuant to Rule 544.7, the Board must consider the material facts alleged in the Complaint to be admitted. The following allegations are made in the Complaint:

The basis for the complaint is that there has been no accounting and fiscal/financial controls over the membership dues and there has been no regular financial reports or summaries made available to members upon request. This conduct can only lead to a conclusion by the membership that Union funds have been abused and mismanaged by Union representatives, at a minimum, for the period April'06 to July'10.

Throughout the past four years, there have been numerous requests, both oral and in writing, for the production of signed Treasurer reports, signed minutes of official meetings, disclosure of financial expenditures, etc. to the Executive Board of Local-1975. The last of these requests was on 6/21/10. In addition, a request was made to the National Office of AFGE on 2/18/10 and 6/18/10 for financial submissions from Local 1975 to them which is a requirement pursuant to the AFGE National Constitution. To date, there has been no written response to these requests from the Local or the National Office.

I would be remiss if I did not point out that Local 1975 has been operating without the benefit of the elected Executive Board position of Treasurer for at least the past 18 months. There has been no process for the membership to elect another Treasurer since that time. This issue had been discussed at Union meetings but there was no action by some of the members of the Executive Board for a special election for Treasurer to oversee the funds. At this point, there is confusion as to who is providing any Treasurer reports from the Local to the membership and the veracity of such reports. In addition, the membership had voted on two occasions over the past four years for the establishment of an audit committee to inspect the Local's financial records but there has been no interest by some of the Board and Union reps: to facilitate the business of the committee. The last audit committee was voted on by the membership in 12/09.

Based on the Local and National Office nonresponse for financial submissions and financial disclosures from the Local's

membership, fiscal integrity appears to have been compromised, and therefore the following relief is requested:

- 1) any and all signed financial records from the Local for the past four years be submitted to the PERB and a designated accounting firm for inspection,
- 2) copies of all signed minutes from any Union meeting over the past four years which would include membership meetings, Executive Board meetings, and Union rep. meetings including the membership meeting in 12'09 and the Union rep. meeting in 11'09
- 3) copies of the signed minutes for the approved annual Budget for the Local for the past four years,
- 4) itemized report for all financial expenditures by the Local over the past four years including out-of-town travel,
- 5) report from the National Office for the annual financial submissions from the Local to them over the past four years,
- 6) immediate cessation of all 1975 Union business at every level in light of the situation that has been described in this complaint until there has been a response from the Respondents, and
- 7) I do not forfeit my rights to legal representation in this matter before the PERB and that any request for attorney fees and any fee/cost associated with this complaint be the responsibility of AFGE.

(Complaint at 1 -3).

Pursuant to Rule 544.7, the Board must accept as true that Respondents have not exercised financial control over its membership dues, failed to make regular financial reports or summaries available to members upon request, failed to respond to requests for financial information by members, operated without an elected local Treasurer for the eighteen months prior to the filing of the Complaint, and failed to hold elections for the Treasurer position for the eighteen months prior to the filing of the Complaint. (Complaint at 1-3).

These actions run afoul of D.C. Code § 1-617.03(a)(5), which requires labor organizations to maintain "fiscal integrity in the conduct of the affairs of the organization, including [providing] for accounting and financial controls and regular financial reports or summaries to be made available to members." Therefore, the Complainant's Standards of Conduct Complaint is granted.

### **ORDER**

#### **IT IS HEREBY ORDERED THAT:**

1. Complainant Christopher Collins' Standards of Conduct Complaint is granted;

2. Respondents will cease and desist refusing to provide regular financial reports or summaries to members;
3. Respondents will provide Complainant with requested financial information for the four years prior to the filing of the Complaint;
4. If the position of Local 1975's Treasurer is currently vacant, Respondent Local 1975 will hold an election to fill the position, in accordance with local and national bylaws, within sixty (60) days of the issuance of this Decision and Order;
5. Respondents shall conspicuously post within ten (10) days from the issuance of this Decision and Order the attached Notice where notices to bargaining unit members are normally posted. The Notice shall remain posted for thirty (30) consecutive days;
6. Respondents shall notify the Public Employee Relations Board, in writing, within fourteen (14) days from the issuance of this Decision and Order that the Notice has been posted accordingly;
7. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

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

June 27, 2012

**CERTIFICATE OF SERVICE**

This is to certify that the attached Decision and Order and Notice in PERB Case No. 10-S-10 was transmitted via U.S. Mail and e-mail to the following parties on this the 27th day of June, 2012.

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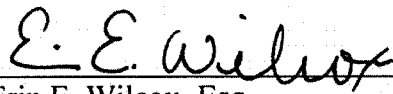
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