



On December 19, 2025, the Complainant filed the instant motion for reconsideration (Motion for Reconsideration). On January 9, 2026, the PSC filed an opposition to the Motion for Reconsideration (Opposition).<sup>5</sup> On January 19, 2026, the Complainant filed a document styled “complainant’s opposition to respondents’ opposition to complainant’s motion for reconsideration” (Reply).

For the reasons discussed herein, the Motion for Reconsideration is denied.

## II. Standard of Review

The Board has established that the standard for a motion for reconsideration is clear legal error.<sup>6</sup> The moving party must provide authority which compels reversal of the initial decision.<sup>7</sup> Motions for reconsideration that do not provide a basis to compel reversal of an initial decision will be denied.<sup>8</sup>

## III. Discussion

The Complainant seeks reconsideration of the administrative dismissal of the Complaint on the basis that: (1) the American Federation of State, County and Municipal Employees, District Council 20 (AFSCME)—the Complainant’s union and a non-party to the case—had to allocate resources to other pressing matters;<sup>9</sup> and (2) the Complainant preferred to wait for the “procedurally defective, retaliatory in purpose, and illicit” grievance process to reach its conclusion.<sup>10</sup>

The Complainant provides no citations to support the arguments in the Motion for Reconsideration.<sup>11</sup> The Complainant has therefore failed to meet the burden of providing authority which compels reversal of the initial decision. The Motion for Reconsideration primarily repeats

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2025, PSC issued its final agency decision on the corrective action. Complaint at 4. PSC asserted that the Complaint was untimely. Answer at 12. Only the July 14, 2025 issuance of the Final Agency Decision occurred during the permissible 120-day filing window. The Executive Director found that the Complainant knew or should have known discipline based on the “defective” PIP by the July 1, 2025, Notice of Proposed Action at the latest. PERB Case No. 26-U-11 Administrative Dismissal at 1-2.

<sup>5</sup> Pursuant to Board Rule 555.2, the Opposition was untimely filed and has not been considered as part of the record in this Decision and Order.

<sup>6</sup> *FOP/MPD Labor Comm. v. MPD*, 59 D.C. Reg. 7165, Slip Op. No. 1233 at 4, PERB Case No. 11-E-01 (2012).

<sup>7</sup> *AFSCME, District Council 20 v. OSSE*, D.C. Reg. 7165, Slip Op. No. 1679 at 3, PERB Case No. 17-N-04(a) (2018).

<sup>8</sup> *WTU, Local #6 v. DCPS*, 72 D.C. Reg. 13824, Slip Op. No. 1930 at 2, PERB Case No. 24-U-19 (MFR) (2025).

<sup>9</sup> Motion for Reconsideration at 4.

<sup>10</sup> Motion for Reconsideration at 4. The Complainant further asserts that the Complaint is “not about contractual disputes as alleged in the Board’s Decision [sic]; nor is the Complaint about the DPM.” Motion for Reconsideration at 4. However, the Complaint asserts violations of both. Complaint at 3-4. Regardless of the Board’s jurisdiction in the instant matter, the Complaint was properly dismissed as untimely. *See* Board Rule 520.4. Further, while the Complainant alleges that PSC placed him on a PIP for retaliatory reasons, the Complaint does not allege any union activity for which PSC retaliated by placing the Complainant on the PIP. *See, generally*, Complaint.

<sup>11</sup> The Motion for Reconsideration does include the entirety of D.C. Official Code § 1-605.02. Powers of the Board, emphasizing Section 1-605.02(3), which states that the Board may “[d]ecide whether unfair labor practices have been committed and issue an appropriate remedial order.” This power of the Board does not constitute an authority that compels the reversal of the dismissal of the instant claims. PERB properly investigated the Complaint and determined that dismissal was appropriate.

arguments considered and rejected by the Executive Director in administratively dismissing the Complaint. The remaining arguments are unavailing. The Motion for Reconsideration appears to allege a continuing violation argument.<sup>12</sup> However, “a continuing violation is one whose ‘character as a violation did not become clear until it was repeated during the limitations period because it is only its cumulative impact ... that reveals its illegality.’”<sup>13</sup> The Complainant has explicitly asserted that PSC violated “[t]he PIP process ... from beginning to end.”<sup>14</sup>

The Complainant asserts alleged good cause for the untimely filing of the Complaint, but does not provide any support for his assertion that a union’s need to “allocate resources to other pressing matters” could constitute good cause for waiving a mandatory claims processing rule.<sup>15</sup> While the issue of timeliness may be waived by a respondent, once “properly invoked [by a party] ... [it] must be enforced.”<sup>16</sup> PSC raised timeliness in its Answer; therefore, the Complaint was properly dismissed as untimely.<sup>17</sup>

#### **IV. Conclusion**

The Board finds no grounds to overturn the administrative dismissal of PERB Case No. 26-U-11. Therefore, the Motion for Reconsideration is denied.

### **ORDER**

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

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

**February 19, 2026**  
**Washington, D.C.**

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<sup>12</sup> Motion for Reconsideration at 6.

<sup>13</sup> *Neill v. Dist. of Columbia Pub. Employee Relations Bd.*, 234 A.3d 177, 185 (D.C. 2020) (upholding the Board’s decision in *Neill v. FOP/MPD Labor Comm.*, Slip Op. No. 1647, PERB Case No. 10-S-04a (2017)).

<sup>14</sup> Motion for Reconsideration at 6.

<sup>15</sup> Motion for Reconsideration at 4.

<sup>16</sup> *Neill.*, 234 A.3d at 185.

<sup>17</sup> Answer at 12.

## **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.