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 formal 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:	
AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, LOCAL 2401	PERB Case No. 98-U-05
and	
BEVERLYE C. NEAL,	Opinion No. 644
Complainants,	
v.	
DISTRICT OF COLUMBIA DEPARTMENT OF HUMAN SERVICES,	
Respondent.	

DECISION AND ORDER

This case involves an unfair labor practice complaint filed by the American Federation of State, County and Municipal Employees, Local 2401 (AFSCME) and Beverlye C. Neal, alleging that the District of Columbia Department of Human Services (DHS) violated D.C. Code §1-618.4(a)(1),(3)and(4). Specifically, the Complainants assert that DHS retaliated against Ms. Neal for her union activities by not renewing her term/temporary appointment when it expired on September 30, 1997.

DHS denied the allegation. Relying on Chapter 8, §826.1 of the District Personnel Manual and D.C. Code §1-618.8, DHS argues that it has the authority to "hire and retain" employees. In addition, DHS asserts that it has the discretion to decide whether to renew Ms. Neal's appointment.

The Executive Director dismissed the Complaint on the grounds that the allegations were untimely. As a result, the Complainants filed a Motion for Reconsideration requesting that the Board reverse the Executive Director's dismissal. The Board granted Complainants' motion.

After holding a hearing, the Hearing Examiner found that the Respondent violated D.C. Code §1-618.4. The Hearing Examiner's Report and Recommendations and the parties' exceptions and opposition are before the Board for disposition.

1. Background:

In 1985, Ms. Neal began her employment as a child enforcement specialist in the Office of Paternity and Child Support Enforcement (OPCSE), Department of Human Services (DHS). Ms. Neal remained at OPCSE until 1997. At certain periods during her tenure with OPCSE, she was detailed to work in other government offices. For example, she was detailed to work for the Mayor's Office as Director for Constituent Services. In addition, she testified that she worked for Councilmember Charlene Drew Jarvis for a period of time in 1990. Subsequently, she returned to OPCSE in November of 1990 under a term appointment. Her appointment was not to exceed four years. Neal's term was extended for a year when it initially expired in 1994. Thereafter, her appointment was extended annually until September 30, 1997. (R & R at p.2) The non-renewal of Ms. Neal's appointment is the basis for the unfair labor practice charge.

In October 1991, the District of Columbia and the Unions representing Compensation Units 1 and 2 signed a Memorandum of Understanding (MOU), which converted the status of term/temporary employees to permanent status. Ms. Neal was in Compensation Unit 1. Therefore, the Complainants suggest that Neal was converted to permanent status, and subsequently changed back to term or temporary status. Alternatively, the Complainants argue that if Neal's employment status was not converted to permanent status, it should have been.

In June 1993, Neal became President of AFSCME, Local 2401. She retained that post until September 30, 1997. In April 1996, she attended a press conference regarding the proposed privatization of OPCSE. After the press conference, she accused the Mayor and then-DHS Director, Vernon Hawkins, of failing to use the proper procedures required by the Privatization Task Manual. Neal later met with members of the Financial Responsibility and Management Assistance Authority to express AFSCME'S opposition to privatization.

The Hearing Examiner found that by the fall of 1996, Neal was spending all of her time on union business. Specifically, she was involved in contract negotiations and other union activities. The Acting Chief of OPCSE, Kenneth Hill, approached her about reducing her union activities and returning to her regular duties within OPCSE. However, the Executive Director of District Council 20 negotiated with DHS Interim Director, Wayne Casey, to permit Neal to continue to work full-time on contract negotiations. Mr. Casey explained that this was a temporary arrangement since a new Director of OPCSE would soon be appointed and the union would have to negotiate with the new

Director regarding Neal's activities.

In September 1996, Neal met with Lee Calhoun, the Acting Director-Designate, before he assumed his position. Neal raised the issue of her union activities, and he suggested that Neal make an appointment in order to discuss the matter. Neal claims she tried to schedule appointments, but her calls were not returned. She continued to spend all of her time on union activities. In January 1997, Calhoun proposed suspending Neal for 15 days for being absent without leave (AWOL). However, a disinterested designee concluded that the action was inappropriate and based on inconsistent information. As a result, the disinterested designee recommended that the suspension be rescinded. The disinterested designee's recommendation was adopted by management. However, Neal continued to be recorded as AWOL during 1997.

In a letter dated July 15, 1997, Lee Calhoun requested that Neal return to duty at OPCSE effective July 21, 1997 at 8:15 a.m. The letter goes on to state that "this decision comes after many months of allowing [Neal] the opportunity to negotiate on behalf of union members during the RIF and other personnel issues." In his letter, Calhoun indicates that "OPCSE has been suffering under an increasing caseload, and [that Neal's] expertise is needed." He concludes by informing "[Neal that] failure to return to her duty station will result in disciplinary action being initiated."

On July 15, 1997, Neal, Casey, Calhoun and Pam Hagans (a staff representative for AFSCME), met in order to discuss this matter. Neal contends that during the discussion, Calhoun became "heated" and told her to "report back to [the] office" on the following day. In addition, Calhoun told Neal that she would "not do any union activities." When Hagans challenged Calhoun, he replied "[w]ell, sue me." (R&R at p.3) AFSCME did not file a grievance or an unfair labor practice charge concerning this incident. AFSCME claims that it did not take action because it was told by Casey that he would transfer Neal. However, Neal was never transferred.

Neal continued to participate as a recorder (for the negotiating team) when contract negotiations resumed in August 1997. On September 12, 1997, Calhoun informed Neal that her temporary appointment would not be renewed when it expired on September 30. Subsequently, Neal was terminated on September 30, 1997. As a result of Neal's termination, AFSCME filed this unfair labor practice complaint.

2. The Hearing Examiner's Report and Recommendations and DHS and AFSCME/NEAL Exceptions:

Based on the pleadings, the record developed in the hearing and the parties' post hearing

briefs, the Hearing Examiner identified one principal issue for resolution. In addition, he identified two related issues. These issues, his findings and recommendations, and the parties' exceptions/oppositions, are as follows:

> *1. Did the Respondent fail to renew Beverlye Neal's term/temporary appointment after September 30, 1997, as retaliation for her participation in union activities?*

The Hearing Examiner acknowledged that: (1) the Respondent's decision not to renew a term/temporary appointment is entirely discretionary; and (2) a term/temporary employee who is terminated has no appeal rights. However, he noted that the Respondent cannot exercise this otherwise legal discretion in an illegal fashion or for an illegal reason. As a result, he examined whether DHS' conduct was illegal.

Relying on Wright Line and Bernard L. Lamoureux,[1] the Hearing Examiner found that DHS retaliated against Beverlye Neal because of her union activities when it failed to renew her term/temporary appointment in 1997.

The Hearing Examiner noted that in order to prevail on a claim of retaliation for union activity, the Complainants must make a prima facie showing that the Respondent's decision was motivated, at least in part, by anti-union animus and/or was an act of retaliation for union activities. He determined that the "comments and actions of Calhoun after he became Acting Chief of OPCSE (in November 1996) make a strong prima facie case that he was motivated by a dislike for Neal's activities as President of Local 2401, when he decided not to renew her appointment." (R &R at 12). In addition, he points out that even after Neal's proposed suspension was rescinded, Calhoun continued to record Neal as AWOL at various times throughout 1997. Furthermore, the Hearing Examiner found that Calhoun exhibited a dislike "for the union and for Neal's union activities when he told [Neal] that he did not care that she had approval to devote official time to union activities and challenged the union to sue him." In view of these findings, the Hearing Examiner concluded that anti-union animus was at least a motivating factor in Calhoun's decision not to renew Neal's appointment.

Having determined that the Complainants made a prima facie showing of retaliation and/or anti-union animus, the Hearing Examiner shifted his focus to the Respondent. Specifically, he sought to determine if the Respondent had a legitimate business related reason for not renewing

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[1] 251 NLRB 1083 (1980), enf'd 662 F.2d 899 (1st Cir. 1981, cert den. 455 U.S. 989 (1982). Also see, Charles Bagenstose and Dr. Joseph Borowski v. D.C. Public Schools,38 DCR 4154, PERB Case Nos. 88-U-33 and 88-U-34, Slip Op. No. 270 (1991).

Neal's appointment. After considering the evidence, the Hearing Examiner concluded that the Respondent failed to show that it had a legitimate business-related reason for taking the action against Ms. Neal. Therefore, he found that the Respondent committed an unfair labor practice.

In their exceptions, DHS argues that the Hearing Examiner erred when he concluded that anti-union animus was "at least a motivating factor in [DHS'] decision not to renew Neal's temporary appointment. Relying on D.C. Code §1-618.8 and the District Personnel Manual (DPM), the Respondent claims that the Hearing Examiner ignored the laws regarding management rights and term appointments, when he found that DHS did not renew Neal's term/temporary appointment for retaliatory reasons. Specifically, DHS contends that it has the authority to "hire and retain" employees. Also, DHS cites Chapter 8, §826.1 of the DPM for the proposition that temporary and term employees conclude their employment at the expiration date of the appointment or the extension date granted by the personnel authority. In addition, DHS claims that Neal had no right or expectation of continued employment.

In view of the above, the essence of the Respondent's exception is that it disagrees with the Hearing Examiner's finding. This Board has held that "issues of fact concerning the probative value of evidence and credibility resolutions are reserved to the Hearing Examiner." Tracey Hatton v. FOP/DOC Labor Committee, 47 DCR 769, Slip Op. No. 451 at p. 4, PERB Case No. 95-U-02 (1995). Therefore, DHS' disagreement with the Hearing Examiner's finding is not a sufficient basis for determining that his finding is contrary to law.

Determining motivation is difficult. Therefore, a careful analysis must be conducted to ascertain if the stated reason is pretextual, since it is unlikely that an employer will admit to motivation it knows is illegal. N.L.R.B. v. Future Ambulette, Inc., 903 F. 2d 140 (2 Cir. 1990) . As a result, the employment decision must be analyzed according to the "totality of the circumstances" surrounding each occurrence at issue. NLRB v. Nueva, 761 F 2d 961, 965 (4 Cir. 1985).

The present case turns on whether DHS refused to renew Neal's appointment (in September 1997) because of her union protected activities. Therefore, the analysis applied by the National Labor Relations Board (NLRB) in Wright Line[2], which PERB has expressly adopted,[3] is in order. Under Wright Line, the moving or complaining party has the initial burden of establishing a *prima facie* case by showing that the union or other protected activity was a "motivating factor" in the employer's disputed action. That accomplished, the burden then shifts to the employer to demonstrate that the same disputed action would have taken place notwithstanding the protected

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[2] 251 NLRB 1083 (1980), enf'd 662 F 2d 289 (1st Cir. 1981), Cert denied, 455 U.S. 989 (1982), approved in NLRB v. Transportation Management Corp., 462 U.S. 393 (1983).

[3]See, Charles Bagenstose and Dr. Joseph Borowski v. District of Columbia Public Schools, 38 DCR 4154, Slip Op. No. 270, PERB Case No. 88-U-33 and 88-U-32 (1991).

activity.[4] The elements that are necessary to establish a prima facie case are protected activity, employer knowledge of such activity, animus and timing.[5]

The first two elements, protected activity and employer knowledge, are undisputed and clearly supported by the record. Specifically, from 1993 to 1997, Neal served as the union president. The record clearly disclosed that, as a union official, she was actively involved in contract negotiations and other related union activities. In particular, it is noted that Neal served as the recorder for the union during contract negotiations. Such activity is clearly protected and any retaliations or reprisals by a District government agency is prohibited by Section 1-618.4 of the Comprehensive Merit Personnel Act (CMPA).[6]

The Hearing Examiner determined that the third element, which requires that the Complainant show anti-union animus by the Employer, was met. In reaching this conclusion, the Hearing Examiner gave significant weight to Calhoun's statements and actions after he became Acting Chief of OPCSE in November 1996. Specifically, the Hearing Examiner concluded that Calhoun's statements and actions made a strong prima facie case that his decision not to renew Neal's appointment was motivated by a dislike for Neal's activities as President of Local 2401. In particular, the Hearing Examiner relied on Calhoun's statements directing: (1) Neal to stop her union activities and return to work; and (2) AFSCME's representative to sue him if they had a problem with his decision. We believe that these statements formed a basis for the Hearing Examiner's determination that the Complainants had established a *prima facie* case that anti-union animus was "at least a motivating factor" in DHS' decision not to renew Neal's appointment. The Hearing Examiner also considered the fact that, despite Neal's requests, Calhoun never met with her in order to discuss the amount of time that she was devoting to union activities. Additionally, the Hearing Examiner considered the fact that Calhoun began placing Neal in an AWOL status as soon as he assumed his supervisory position in November of 1996. Furthermore, the Hearing Examiner considered the fact that although a proposed discipline action against Neal failed, Calhoun continued to place Neal on AWOL status.[7]

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[4]Wright Line, supra, at 1089.

[5]See, Teamsters Local Union No. 730 v. District of Columbia Public Schools, -DCR-, Slip Op. No. 375, PERB Case No. 93-U-11, (R &R at p.11)(1994)

[6]See, Teamsters Local Union No. 730 v. District of Columbia Public Schools, supra.

[7] The Hearing Examiner noted that the record was not clear as to when Neal was placed on AWOL status in 1997. Also, he points out that it was not clear whether any of the AWOL was rescinded. Furthermore, he noted that the Respondent did not attempt to rebut any of the allegations concerning when Neal was placed on AWOL.

Concerning the timing of DHS' action, the Hearing Examiner noted that Neal's served an initial four year term appointment, commencing in 1990 and ending in 1994. Thereafter, she served a series of one year term appointments that were renewed each year through 1996. However, within 10 months of Calhoun's appointment, Neal's term appointment was not renewed in September of 1997. Therefore, there appears to be a nexus between Calhoun's appointment and Neal's termination. In view of the above, the Hearing Examiner concluded that the Complainants established a prima facie case. We believe that this finding is reasonable and is supported by the record.

Once the *prima facie* showing was made, the burden shifted to DHS. Specifically, DHS had to show that it: (1) had a legitimate business related reason for its action; and (2) would have made the decision not to renew Neal's appointment even in the absence of union related activity. After reviewing the evidence, the Hearing Examiner concluded that the Respondent did *not* meet its burden. He found that the only explanation offered by Calhoun, was that Neal's services were "no longer needed." The Hearing Examiner opined that Calhoun's statement was "wholly uninformative" and did "nothing to explain *why* [Neal's] services were no longer needed." Also, Calhoun testified that "his decision not to renew Neal was not based on Neal's union activities." However, the Hearing Examiner noted that this testimony was "conclusory and without evidentiary value."

In light of the above, the Hearing Examiner determined that the Respondent retaliated against Neal for her participation in protected union activities, when it failed to renew her term/temporary appointment in September 1997. We find that the Hearing Examiner's findings are: (1) reasonable; (2) supported by the record and (3) consistent with Board precedent. As a result, we adopt these findings.

The Respondent's second exception asserts that the "Hearing Examiner's finding that Neal's temporary appointment was not renewed because of her union activity is not supported by substantial evidence." In the present case, the Hearing Examiner found that between 1990 and 1996, Ms. Neal's term appointments were renewed at the end of each term. Furthermore, the Hearing Examiner found that Neal had been union president since June 1993 and that management had allowed her to engage in union activities on work time. This finding was based on Neal's uncontradicted testimony that there was an agreement for her to engage in union activities during work time. We believe that the Hearing Examiner's finding is reasonable and supported by the record. Moreover, the Board has held that "issues of fact concerning the probative value of evidence and credibility resolutions are reserved to the Hearing Examiner." Doctors Council of the District of Columbia and Henry Skopek v. D.C. Commission on Mental Health Services, Slip Op. No. 636 at p.4, PERB Case No. 99-U-06. Also see, Tracey Hatton v. FOP/ DOC Labor Committee, 47 DCR 769, Slip Op. No. 451, at p.4, PERB Case No. 95-U-02.

The Hearing Examiner determined that Neal's activities opposing privatization efforts at

DHS did not establish a prima facie case of anti-union animus. However, he found Calhoun's comments and actions to be persuasive evidence that anti-union animus was at least a motivating factor in his decision not to renew Neal's appointment. Specifically, he considered the following in reaching that finding: (1) comments made by Calhoun directing Neal to cease union activity and return to work; (2) Calhoun's efforts to discipline Neal for missing work due to union business; (3) unrebutted testimony of Calhoun's statements in July of 1997 indicating that "he did not care that [Neal] had [prior] approval to devote official time to union activities" and (4) Calhoun's statement to the union to "sue him" once they challenged him on his statements that she must cease union business and return to work

Additional evidence points to the conclusion that DHS' actions were motivated by anti-union animus. For instance, the disciplinary action proposed by Calhoun and later rescinded by management, contains evidence that DHS had been allowing Ms. Neal to devote a significant portion of her time to union activity, since 1995. Moreover, DHS' witnesses, did not rebut Neal's assertions that she had prior permission to engage in union activity. This suggests that the agency had tolerated this activity, yet, suddenly decided to terminate Neal because of it. Absence from the workplace has been held by the Board to be a legitimate business reason for terminating an employee.[8] However, it is clear that a discharge based on legitimate reasons may not be justified if the employer has tolerated similar conduct for a substantial period of time. NLRB v Aquatech, 926 F2d 538 (1991); NLRB v. P.I.E. Nationwide, 923 F. 2d 506. (1991) In the present case, the record indicates that the Respondent had allowed Ms. Neal to perform union duties during her work time. In addition, it appears that the employer had allowed this for at least two years. As a result, inferential proof of anti-union animus was shown.

After the Hearing Examiner determined that the Complainant had established a prima facie case, he then looked to the Respondent to present facts which showed that it had a legitimate reason for its failure to renew Neal's appointment. In the footnotes contained in the R&R, the Hearing Examiner noted that the Respondent could have shown that there were legitimate reasons for Neal's termination. For example, he points out that DHS could have demonstrated that in the normal course of business, Neal was terminated for lack of work, reduction/elimination of grant funding or a variety of legitimate reasons. However, he concluded that the Respondent did not present one witness, other than Calhoun, to explain what reason DHS had for deciding not to renew Neal's appointment. Thus, he determined that DHS failed to provide any substantive reason for its action.

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[8] In Sylvia Hall v. District of Columbia Board of Parole, 43 DCR 7033, Slip Op. No. 420, PERB Case No. 94-U-06 (1996), the Board held that the agency had not committed an unfair labor practice when it refused to allow Hall, a Union president, to return to work full time, where the employee had been absent for 16 months for a work-related injury. In reaching this decision, the Board was not persuaded by the fact that a doctor had released Hall to work only part-time and that her position of record was a full time position. The Board concluded that the Agency had met their burden of establishing a legitimate business reason for its action.

In summation, the Hearing Examiner determined that DHS had failed to renew Ms. Neal's term appointment based on anti-union animus and for a retaliatory reason. A review of the record reveals that the Hearing Examiner's determination is reasonable, consistent with case law and supported by the evidence. Therefore, we adopt the Hearing Examiner's finding that the Respondent violated D.C. Code § 1-618.4 (a)(1), (3) and (4).

2. Was Beverlye Neal converted from term/temporary to permanent status and then converted back to term/temporary?

As to the first related issue, the Hearing Examiner concluded that there was no direct evidence to show that Neal was converted to permanent status. The Hearing Examiner accepted Neal's claim that she was assured by DHS officials that she would be converted. However, he found that there were no personnel forms documenting that change.

The Board believes that the Hearing Examiner's finding with respect to this issue is supported by the record. Therefore, we adopt the Hearing Examiner's finding.

3. Should Beverlye Neal have been converted from term/temporary to permanent status pursuant to the 1991 Memorandum of Understanding?

With respect to the second related issue, involving the 1991 MOU, the Hearing Examiner concluded that Complainants did not pursue that argument at the hearing. Moreover, the MOU was limited to the period between 1991 and 1993. Therefore, any claim based on the MOU would be untimely.

The Board believes that the Hearing Examiner's finding with respect to this issue is supported by the record and Board Rules. Therefore, we adopt the Hearing Examiner's finding on this issue.

IX. Remedy

Since we have adopted the Hearing Examiner's findings that DHS violated the CMPA, we now turn to the issue of what is the proper remedy in this case.

The Complainants requested that a *status quo ante* remedy be imposed, including Neal's

reinstatement with backpay. Based on his findings, the Hearing Examiner recommended that the Board order DHS to: (1) post a notice acknowledging that they have committed an unfair labor practice; (2) cease and desist from violating the CMPA; (3) reinstate Neal with backpay covering the period from September 1997, until the date of Neal's reinstatement; and (4) pay reasonable costs.

When a violation is found, the Board's order is intended to have therapeutic as well as remedial effect (See, D.C. Code §§1-605.2(3) and 1-618.13 (a)). Moreover, the overriding purpose and policy of relief afforded under the CMPA for unfair labor practices, is the protection of rights and obligations. As a result, we believe that the Hearing Examiner's suggested remedy is appropriate.

With respect to reasonable costs, the Board has ruled that an award of costs must be in the interest of justice. The Board has awarded costs when it determines that: (1) the losing party's claim or position was wholly without merit, (2) the successfully challenged action was undertaken in bad faith and (3) a reasonably foreseeable result of the successfully challenged conduct is the undermining of the union among the employees for whom it is the exclusive bargaining representative. See, AFSCME, District Council 20, Local 2776 v. D.C. Department of Finance and Revenue, PERB Case No. 89-U-02, Slip Op. No. 245. We concur with the Hearing Examiner's findings that the standard for awarding costs has been met in this case.

Pursuant to D.C. Code §1-605.2(3) and Board Rule 520.14, the Board has reviewed the findings, conclusions and recommendations of the Hearing Examiner and find them to be reasonable, persuasive and supported by the record. The Board hereby adopts the Hearing Examiner's findings and conclusion that DHS violated D.C. Code §1-618.4(a)(1),(3) and (5) by retaliating against Ms. Neal because of her union activities when it failed to renew her term/temporary appointment in September of 1997. We also adopt the Hearing Examiner's recommended relief, including an Order directing DHS to reimburse the Complainants for reasonable costs.

ORDER

IT IS HEREBY ORDERED THAT:

1. The District of Columbia Department of Human Services (DHS), its agents and representatives shall cease and desist from violating Beverlye Neal's (Complainant) employee rights under D.C. Code §1-618.6(a)(2) in violation of D.C. Code § 1-618.4 (a)(1), (3) and (4), by the acts and conduct set forth in this Opinion.

2. DHS, its agents and representatives shall cease and desist from interfering with, restraining or coercing the Complainant in the exercise of her rights under the Comprehensive Merit

Personnel Act (CMPA) in any like or related matter.

3. DHS shall immediately reinstate Beverlye Neal as a term/temporary employee.

4. DHS shall make Neal whole by providing her with back pay, in accordance with applicable law. The back pay shall cover the period from September 31, 1997 (the date of her termination) until the date of her reinstatement.

5. DHS shall post conspicuously within ten (10) days from the service of this Opinion the attached Notice, admitting the above noted violations where notices to employees are normally posted.

6. DHS shall notify the Public Employee Relations Board (PERB), in writing, within fourteen (14) days from the date of this Order that the Notice has been posted accordingly. In addition, DHS shall notify PERB of the steps it has taken to comply with the directives in paragraphs 3, 4 and 5 of this Order.

7. The Complainant shall submit to the PERB, within fourteen(14) days from the date of this Order, a statement of actual costs incurred processing this action. The statement of costs shall be filed together with supporting documentation; DHS may file a response to the statement within fourteen (14) days from service of the statement upon it.

8. DHS shall pay the Complainant, her reasonable costs incurred in this proceeding within ten(10) days from the determination by the Board or its designee as to the amount of those reasonable costs.

9. 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.

February 2, 2001

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 98-U-05 was mailed (U.S. Mail) to the following parties on the 2nd day of February 2001.

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NOTICE

TO ALL EMPLOYEES OF THE DISTRICT OF COLUMBIA DEPARTMENT OF HUMAN SERVICES (DHS), 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. 644, PERB CASE NO. 98-U-05 (February 2, 2001).

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

WE WILL cease and desist from violating Beverlye Neal's employee rights under D.C. Code §1-618.6(a) and (b) in violation of D.C. Code §1-618.4(a)(1), (3) and (4) by the actions and conduct set forth in Slip Opinion No. 644.

WE WILL cease and desist from interfering, restraining, or coercing employees in the exercise of rights guaranteed by the Labor-Management subchapter of the Comprehensive Merit Personnel Act (CMPA) to freely: (a) form, join, or assist any labor organization and (b) bargain collectively through representatives of their own choosing.

WE WILL cease and desist from discriminating against employees in regard to hiring or tenure of employment in order to encourage or discourage membership in any labor organization.

WE WILL NOT, in any like or related manner, interfere, restrain or coerce, employees in their exercise of rights guaranteed by the Labor-Management subchapter of the CMPA.

District of Columbia Department of Human Services

Date:_____ By_____
Director

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 an questions concerning the Notice or compliance with any of its provisions, they may communication directly with the Public Employees Relations Board, whose address is: 717 14th Street, N.W., 11th Floor Washington, D.C. 20005. Phone: (202) 727-1822.

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

February 2, 2001