



**Decision and Order**  
**PERB Case No. 96-S-01**  
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Respondent's Chairman, J C Stamps; (2) the Complainant failed to exhaust internal union procedures; and (3) the Complaint fails to state a standard of conduct claim within the Board's statutory jurisdiction and Board Rule 544. Complainant filed an Opposition to the Motion on December 19, 1995.

The Board, after reviewing the pleadings in the light most favorable to Complainant, and considering the Motion and Response thereto, hereby denies FOP's Motion to Dismiss the Complaint.<sup>2/</sup>

With respect to Respondent's first ground for dismissal, contrary to Respondent's assertions, the allegations against JC Stamps and other individuals are asserted in their capacity as officers or agents of FOP. Respondent does not dispute that the named individuals held the FOP offices stated in the Complaint at the time of the alleged violations. The allegations of standards of conduct violations are being made against FOP. In this context and to this extent the Board has jurisdiction over this cause of action. (See n. 2.)

We have held that in an unfair labor practice proceeding which is initiated, as here, by a pro se complainant, we will not impose strict compliance with the standard of clarity required of pleadings under Board Rule 520.3(d). Willard G. Taylor, et al. v. University of the District of Columbia Faculty Association/NEA, DCR \_\_\_\_\_, Slip Op. No. 324, PERB Case No. 90-U-24 (1992). As a local union official, Complainant is not completely unfamiliar with the proceedings of the Board, but as an individual acting without union or legal counsel, he will not be held to the letter of the Board's pleading requirements. While set forth in a rather diffuse manner, Complainant's allegation that FOP officials engaged in the

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<sup>2/</sup> Complainant stated in his Complaint that the Complaint was also filed "specifically against [FOP's] agent and Chairman J C Stamps." On December 8, 1995, Mr. Stamps, by counsel, filed a Motion to Intervene and Motion to Dismiss the Complaint against Mr. Stamps in his individual capacity. A Response was filed by the Complainant. By letter dated January 11, 1996, the Executive Director granted both the Motion to Intervene and the Motion to Dismiss. Pursuant to the Comprehensive Merit Personnel Act, as codified under D.C. Code § 1-695.2(9), and Board Rule 544.1, the Executive Director informed the parties that only a labor organization can be the subject of a standards of conduct complaint. See, Butler and AFGE, Local 1550, 32 DCR 5912, Slip Op. No. 123, PERB Case No. 85-S-01 (1985). We affirm the Executive Director's administrative disposition of those Motions. This disposition makes no determination with respect to any allegation contained in the Complaint against Mr. Stamps as an agent, representative or officer of FOP.

unauthorized funding of non-union members for union activities and failed to comply with an annual audit requirement makes out a cause of action pursuant to D.C. Code § 1-605.2(9) with respect to standards of conduct for labor organizations as provided under D.C. Code § 1-618.3(a)(5). While the Complainant's pleadings do not meet the standard we impose on parties represented by counsel, the Complaint allegations present a sufficient basis to justify a hearing.

Finally, FOP contends that Complainant has failed to exhaust internal union procedures. However, FOP acknowledges that exhaustion is not required if Complainant otherwise states a statutory standards of conduct claim. In view of our determination that the Complainant has alleged a statutory cause of action, we find no merit in this ground for dismissal of the Complaint.

Based upon the pleadings, a determination cannot be made without further development of the record, including an evidentiary hearing. Therefore, the Complaint will be referred to a hearing examiner to make findings, conclusions and recommendations.

**ORDER**

**IT IS HEREBY ORDERED THAT:**

The Motion to Dismiss the Complaint is denied.

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

February 20, 1996