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Government of the District of Columbia
Public Employee Relations Board

In the Matter of:)	
)	
Candi Peterson,)	
)	
Complainant,)	PERB Case Nos. 12-S-01
)	
v.)	Opinion No. 1542
)	
Washington Teachers' Union,)	
)	
Respondent.)	
)	

DECISION AND ORDER ON REMAND

This matter comes before the Board on remand from the D.C. Superior Court. The complainant, Candi Peterson, ("Peterson") filed with the court a petition for review of the dismissal of her case. The court granted the petition for review and remanded the case to the Board for an evidentiary hearing.¹ In accordance with the court's order, the Board vacates its prior opinions and orders a hearing in this matter.

I. Statement of the Case

In the summer of 2011, Peterson was serving as the general vice president of the Washington Teachers' Union ("Union") with the then-president of the Union, Nathan Saunders. At the time, both were also members of the Union's executive board. On July 26, 2011, Peterson and Saunders were involved in a heated verbal exchange at the end of a staff meeting. After that exchange, Saunders hand delivered a letter to Peterson that "removed" her from the payroll for failure to perform her duties. It instructed her that she would not be paid until the "situation" was rectified. The letter further stated that she should notify him of her plan of action to address her deficiencies and her date of return when she was ready to resume her role as general vice president. The letter concluded by informing her that she was not to perform any duties on behalf of the Union until Saunders gave his explicit and written approval. Saunders then scheduled an executive board meeting of the Union for August 4, 2011. At that meeting, the executive board adopted a resolution disciplining Peterson on two grounds: (1) interfering with Saunders'

¹ *Peterson v. D.C. Pub. Emp. Relations Bd.*, No. 2012 CA 003140 (D.C. Super. Ct. May 26, 2015).

performance of his duties and (2) publicly disclosing confidential internal Union discussions and defaming a fellow Union member.

On December 2, 2011, Peterson filed a standards of conduct complaint with the Board. The complaint alleged that by removing her from the position of general vice president the Union violated its constitution, its by-laws, and D.C. Official Code § 1-617.03(a)(1). The Board granted the Union's motion to dismiss the complaint.² In the decision, the Board found that the 120-day limitations period applicable to standards of conduct complaints began to run when Saunders delivered the letter on July 26, 2011, and that the complaint was filed more than 120 after that date.³

On February 17, 2012, Peterson filed a motion for reconsideration with the Board arguing that her Complaint was timely because the limitations period could not have begun until August 4, 2011, when the executive board adopted its resolution. For this reason, she argued that the Board's decision was based on insufficient evidence and, at a minimum, the Agency's rules required a hearing on the issue of timeliness. The Board denied the motion for reconsideration.⁴

On review, the Superior Court found that the Board's decision erroneously disregarded disputes in the record as to the timeliness issue contrary to Board Rule 520.9, which states, "If the investigation reveals that the pleadings present an issue of fact warranting a hearing, the Board shall issue a Notice of Hearing and serve it upon the parties." The court found that the record reflected that there was a factual issue as to whether Saunders had authority to discipline Ms. Peterson on July 26 and, regardless of the scope of his authority, there was a factual issue as to whether Saunders implemented the July 26 letter by removing Ms. Peterson from the Union's payroll or by preventing her from working for the Union. The court also questioned whether the discipline invoked by the executive board on August 4 differed from the discipline allegedly imposed by Saunders on July 26. The court ordered "that the case is remanded to Respondent the District of Columbia Public Employee Relations Board for an evidentiary hearing pursuant to the terms of this order."⁵

II. Conclusion

In accordance with the court's order, the Board vacates its prior decisions in this matter, Opinion Nos. 1242 and 1254, and pursuant to Board Rule 544.9 refers this matter to a hearing to develop a factual record and make appropriate recommendations. Prior to hearing, the

² *Peterson v. Washington Teachers' Union*, 59 D.C. Reg. 7234, Slip Op. No. 1242, PERB Case No. 12-S-01 (2012).

³ *Id.* at 3.

⁴ *Peterson v. Washington Teachers' Union*, Slip Op. No. 1254, PERB Case No. 12-S-01 (Mar. 28, 2012).

⁵ *Peterson v. D.C. Pub. Emp. Relations Bd.*, No. 2012 CA 003140, slip op. at 17 (May 26, 2015).

complainant and the respondent are ordered to attend mandatory mediation pursuant to Board Rule 558.4.

ORDER

IT IS HEREBY ORDERED THAT:

1. Opinion Nos. 1242 and 1254 are vacated.
2. The standards of conduct claim will be referred to a hearing examiner for a hearing. That dispute will be first submitted to the Board's mediation program to allow the parties the opportunity to reach a settlement by negotiating with one another with the assistance of a Board appointed mediator.
3. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By unanimous vote of Board Chairman Charles Murphy and Members Keith Washington, Ann Hoffman, and Yvonne Dixon

Washington, D.C.

September 22, 2015

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 12-S-01 was transmitted via File & ServeXpress to the following parties on this the 23d day of September 2015.

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