

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)
)
)
Bernard Bryan FOP/DOC Executive Board Member)
Darlene Bryant, Tasheanna Harris,)
and Nora Thompson)
)
Complainants)
)
v.)
)
Fraternal Order of Police/ Department of)
Corrections Labor Committee¹)
)
Sean Rosa, President FOP Lodge #1²)
)
Respondents)

PERB Case No. 19-S-02
Opinion No. 1750

DECISION AND ORDER

I. Statement of the Case

On April 30, 2019, a Standards of Conduct Complaint (Complaint) was filed against the Union’s Chairman alleging violations of the D.C. Official Code § 1-617.03. On June 3, 2019, an

¹ See, *Clarence E. Mack, et al. and Ellowese Barganier, et al v. FOP/DOC Labor Comm.*, Slip Op. No. 507, PERB Case Nos. 95-S-03 and 95-S-02 (1997)(holding that “the CMPA's prescribed standards of conduct for labor organizations, as codified under D.C. Code § 1-618.3, are standards that a labor organization must certify are mandated by its operation. A claimed failure to adopt, subscribe or comply with said standards constitutes a cause of action with respect to the labor organizations, not individual employees. D.C. Code § 1-605.2(9). To the extent individual union officers are named as respondents in a standards of conduct complaint, any statutory claims that accrue to them or their actions are not in their personal capacity but rather in their representative capacity as officers and/or agents of FOP.” As such, the FOP is the only required respondent listed in the caption)).

² The Hearing Examiner recommended dismissing Sean Rosa and FOP Lodge #1 as a Respondent. The Hearing Examiner found that Sean Rosa resigned his position as President of FOP Lodge # 1 on June 12, 2019. The Hearing Examiner found that no factual allegations were made regarding the conduct of Sean Rosa. Finally, the Hearing Examiner found that Sean Rosa had no authority to involve himself in the affairs of the FOP/DOC Labor Committee. The findings are reasonable and supported by Board precedent. Therefore, Sean Rosa and FOP Lodge #1 are dismissed as Respondents to this action.

Amended Standards of Conduct Complaint (Amended Complaint) was filed and named the Vice-Chairman, Executive Secretary, and Recording Secretary as Respondents in their official capacities (Executive Committee or Respondents). The Amended Complaint alleged violations of D.C. Official Code § 1-617.03(a)(5).

The Amended Complaint alleged that the Respondents violated section 1-617.03(a)(5) of the D.C. Official Code by (1) failing to maintain the fiscal integrity of the Union, (2) failing to audit financial records after the alleged fraudulent withdrawals and expenditures of the Chairman,³ (3) operating without a budget,⁴ (4) failing to disclose financial information to the membership related to rent costs and other bills,⁵ (5) inflating per diem and travel expenses, and (6) paying the Executive Committee members a monthly salary in violation of the labor organization's by-laws.⁶

On June 18, 2019, the Respondents filed an Answer to the Amended Complaint. Hearings were held on November 18 and 19, 2019. On January 7, 2020, the Hearing Examiner issued a Report and Recommendation (Report). For the reasons stated herein, the Board adopts the Hearing Examiner's Report and Recommendation, finding that the Respondents violated D.C. Official Code § 1-617.03(a)(5) by failing to maintain the fiscal integrity of the labor organization.

II. Hearing Examiner's Report and Recommendation

A. Background

On or about June 1, 2018, following an election, the Union's Executive Committee began to serve its two-year term.⁷ The Executive Committee has five designated positions, which are Chairman, Vice-Chairman, Executive Secretary, Treasurer, and Recording Secretary.⁸ In or around early August 2018, the Treasurer resigned.⁹

On November 6, 2018, the Executive Committee voted to provide a monthly per diem of \$250 to each Executive Committee member. The per diem replaced the Union's prior practice of reimbursing members for their actual expenses incurred in carrying out their Union responsibilities.¹⁰

³ Am. Compl. at 8.

⁴ Am. Compl. at 7.

⁵ Am. Compl. at 9.

⁶ Am. Compl. at 8.

⁷ Report at 2.

⁸ Report at 2. The election results were as follows: Chairman-Andra Parker, Vice-chairman-Benjamin Olubasusi, Executive Secretary-Jannease Johnson, Treasurer-Harriette Chester, and Recording Secretary-Laurrine Ellis.

⁹ Report at 2.

¹⁰ Report at 2. Costs included gas, personal vehicle wear and tear, Uber rides, and parking.

On December 28, 2018, the Union held a special election to fill the vacant Treasurer position. After assuming the office on March 5, 2019,¹¹ the Treasurer reviewed financial records and noticed a cash withdrawal slip dated for February 27, 2019, that was presented by the Chairman in the amount of \$8,351. The Treasurer reported that transaction to the Executive Committee.¹² The Executive Committee removed the Chairman's authority to use the Union's credit/debit cards and checks, and scheduled a meeting for March 18, 2019, for the Chairman to discuss the transaction.¹³

The Chairman did not appear at the March 18, 2019, meeting. The Executive Committee voted unanimously to suspend the Chairman based on allegations of misuse of Union funds.¹⁴

On May 6, 2019, the Vice-Chairman called a special, general membership meeting.¹⁵ During the meeting, the Treasurer informed the body that contracts related to the union office, including for rent and utilities, were illegally obtained.¹⁶ The Treasurer refused to make payment on accumulated and current bills, including those rent and utility bills.¹⁷ The general membership passed a motion that directed the Treasurer to pay past due bills and bring them current.¹⁸ When the Treasurer refused to make payment on past due bills, the general membership agreed to place the Executive Secretary on the Union's bank account as an authorized signatory to facilitate payment of the bills.¹⁹

B. Hearing Examiner's Recommendation²⁰

At the hearing, the Respondents argued that the Union was not named as a respondent and, therefore, the Complaint was improperly filed against individuals.²¹ The Hearing Examiner

¹¹ Report at 2. Bernard Bryan, Complainant, was elected to the position of Treasurer on December 28, 2018, but did not assume office due to previously arranged vacation plans and a decision by the Chairman to set the start date in March 2019.

¹² Report at 2.

¹³ Report at 2.

¹⁴ Report at 3. The allegations against the chairman were referred to the Federal Bureau of Investigation and the United States Attorney's Office. The executive committee agreed to cooperate with the FBI by providing bank statements and attending meetings with the FBI.

¹⁵ Report at 3.

¹⁶ Report at 3.

¹⁷ Report at 3.

¹⁸ Report at 3.

¹⁹ Report at 3. On May 16, 2019, the Treasurer continued to refuse to make payment on the bills authorized by the general membership. The Executive Committee moved to add the acting Chairman to the financial accounts and then moved to remove the Treasurer from all Union financial accounts.

²⁰ On October 23, 2019, the Hearing Examiner ordered discovery and the production of documents. On November 18 and 19, 2019, the Hearing Examiner conducted a hearing and received testimony and evidence from the parties. On December 16, 2019, prior to submitting post-hearing briefs to the Hearing Examiner, the Complainants filed a Motion for Sanctions due to the Respondents' refusal to provide certain checks written on the Union's bank, as previously ordered by the Hearing Examiner. On December 18, 2019, the Hearing Examiner denied the Motion for Sanctions.

²¹ Report at 7.

rejected the Respondents' position, holding that the Complaint and Amended Complaint named individuals in their official capacities as elected members of the Union's Executive Committee.²²

Additionally, the Respondents argued that the Complainants' allegations were untimely. The Respondents contended that the Board could not consider allegations related to conduct occurring before December 31, 2019, which is 120 days before the filing of the April 30, 2019, Complaint.²³ The Hearing Examiner found that the 120-day window began on November 8, 2018, based on the date the Treasurer gained access to the Union's accounts.²⁴ The Hearing Examiner held that the allegations in the Amended Complaint from that date were ripe for consideration.²⁵

The Hearing Examiner reviewed the Union's constitution and by-laws and considered the allegations and the statutory requirements of D.C. Official Code § 1-617.03(a)(5).²⁶ The Hearing Examiner found that various provisions of the Union's by-laws²⁷ governed the fiscal integrity of the organization and found one provision of the constitution relevant.²⁸

The Respondents denied any violation of the Union's by-laws or constitution. The Respondents argued that the allegations did not warrant the Board's intervention because the alleged breach would not be enough to find a violation of the Standards of Conduct.²⁹ The Hearing Examiner rejected the Respondents' argument and found that the Board may grant relief if the Complainants provided evidence of actual injury that resulted from the breach of the Union's by-laws.³⁰

The Hearing Examiner found the following: (1) the record was replete with evidence of the Respondents' failure to comply with the Union's by-laws, which caused actual injury to its membership;³¹ (2) the Executive Committee failed to comply with the requirement that signatories on bank accounts be bonded and insured;³² (3) the organization failed to conduct audits;³³ (4) the Executive Committee failed to prepare and ratify an annual budget;³⁴ and (5) requests for reimbursement for travel expenditures were inflated above expenditures.³⁵ Accordingly, the

²² Report at 7.

²³ Report at 8.

²⁴ Report at 8.

²⁵ Report at 8.

²⁶ Report at 4. D.C. Official Code § 1-617.03(a)(5) requires labor organization to mandate "[t]he maintenance of fiscal integrity in the conduct of the affairs of the organization, including provision for accounting and financial controls and regular financial reports or summaries to be made available to members."

²⁷ Report at 4-5 (citing FOP/DOC by-laws provisions 6.4, 7.3, 7.7, 10.1, 10.2, 10.3, 15.1, and 15.2).

²⁸ Report at 5 (citing FOP/DOC Constitution Art. 22 § 6).

²⁹ Report at 6.

³⁰ Report at 6 (citing *Dancy Simpson, Pamela Chase, Ernest Durant et al. v. FOP/DOC Labor Comm.*, Slip Op. No.1601, PERB Case No. 10-S-05, 10-S-07, 10-S-08, 10-S-09 (2016)).

³¹ Report at 6. The Hearing Examiner found that the Treasurer's refusal to pay bills after the approval of the membership violated the by-laws

³² Report at 6 (Provision 10.3).

³³ Report at 6 (Provision 15.2).

³⁴ Report at 6 (Provision 10.1).

³⁵ Report at 7 (Provision 10.2). Although the Hearing Examiner found that reimbursement costs were inflated between November 2018 and July 2019, the Board considers relevant only the violations prior to the filing of the Complaint.

Hearing Examiner held that the above conduct caused actual injury to the membership and that the Union violated D.C. Official Code § 1-617.03(a)(5) by failing to maintain the fiscal integrity of the organization.³⁶

Finally, the Respondents argued that the Complaint did not allege a particularized harm and was improperly filed as a class action. The Hearing Examiner, however, found actual harm, but found no evidence that the Complainants were pursuing a class action.³⁷

The Complainants requested a remedy which included removal of the Executive Committee and payment of costs. The Hearing Examiner denied the Complainants' requests and proposed an order which requires the Union to cease and desist from violating the Standards of Conduct and to post a notice to inform the bargaining unit employees.³⁸

III. Discussion

Under Board Rule 544.11, “[t]he party asserting a violation of the CMPA, shall have the burden of proving the allegations of the complaint by a preponderance of the evidence.” The Board has held that “issues of fact concerning the probative value of evidence and credibility resolutions are reserved to the Hearing Examiner.”³⁹ The Board will adopt a Hearing Examiner's Report and Recommendation if it is reasonable, supported by the record, and consistent with Board precedent.⁴⁰

A. Timeliness

Standards of Conduct complaints shall be filed not later than one hundred twenty (120) days after the date on which the alleged violations occurred.⁴¹ The Board has held that this 120-day period begins when the complainant first knew or should have known about the acts giving rise to the alleged violation.⁴² The record shows that the Treasurer uncovered the evidence of financial misconduct on March 8, 2019.⁴³ Thus, the original Complaint was timely filed on April 30, 2019, fifty-three (53) days after the Complainants knew or should have known of the actions giving rise to the Standards of Conduct complaint. Moreover, the Amended Complaint was timely filed eighty-seven (87) days after the Complainants knew or should have known of the violation on June 3, 2019.

³⁶ Report at 7.

³⁷ Report at 8.

³⁸ Report at 10.

³⁹ *WTU, Local 6 v. DCPS*, 65 D.C. Reg. 7474, Slip Op. No. 1668 at 5, PERB Case No. 15-U-28 (2018). See *Council of Sch. Officers, Local 4 v. DCPS*, 59 D.C. Reg. 6138, Slip Op. No. 1016 at 6, PERB Case No. 09-U-08 (2010).

⁴⁰ *WTU, Local 6 v. DCPS*, 65 D.C. Reg. 7474, Slip Op. 1668 at 6, PERB Case No. 15-U-28 (2018). See *AFGE, Local 1403 v. D.C. Office of the Attorney General*, 59 D.C. Reg. 3511, Slip Op. No. 873, PERB Case No. 05-U-32 and 05-UC-01 (2012).

⁴¹ Board Rule 544.4.

⁴² *Keith Ellison, Edwin Hull, Tyrone Jenkins, et al. v. FOP/DOC Labor Comm.*, 60 D.C. Reg. 16494, Slip Op. No. 1439 at 3, PERB Case No. 12-U-04 (2013).

⁴³ Report at 8.

In this case, the Hearing Examiner's mischaracterization of the period for filing a Complaint was harmless error.⁴⁴ The record supports a finding that the Complaint was timely.

B. The Hearing Examiner's finding that the Union violated the by-laws was reasonable and supported by the record.

Under D.C. Official Code § 1-617.03(a)(5), labor organizations are required to maintain fiscal integrity while conducting the affairs of the organization, which includes implementing financial controls and making regular reports to the membership. The Board has held that a mere breach of a union's internal by-laws or constitution does not establish a violation of the Standards of Conduct.⁴⁵ The Complainants must establish that the labor organization's action or conduct had the proscribed effect set forth in the asserted standard.⁴⁶

In the Report, the Hearing Examiner determined that the Union violated its by-laws, causing injury to the membership and, thus, violating the Standards of Conduct.⁴⁷ The Hearing Examiner found that the Union failed to have signatories on bank accounts bonded and insured,⁴⁸ failed to conduct audits,⁴⁹ failed to prepare and ratify an annual budget,⁵⁰ and reimbursed inflated travel expenditures.⁵¹ Additionally, the Hearing Examiner found that the Treasurer, in his official capacity, violated the by-laws by failing to pay bills authorized by the membership.⁵²

In their Exceptions, the Complainants argue that the Hearing Examiner erred in finding that the Treasurer violated the by-laws.⁵³ The Complainants assert that the Treasurer's refusal to pay bills when there was no audit and no budget amounted to prudence rather than misconduct.⁵⁴

In the Complaint, the Complainants alleged that the Union violated the standards of conduct for labor organizations found in the CMPA, by failing to maintain fiscal integrity. The Hearing Examiner determined that the Union's by-laws required the Treasurer to "pay all bills when approved by the chairman or the membership."⁵⁵ The Hearing Examiner found that the general membership voted to direct the Treasurer to pay all bills to bring them current.⁵⁶ The

⁴⁴ The Hearing Examiner counted backwards by 120 days to November 8, 2018, instead of counting 120 days forward from March 8, 2019.

⁴⁵ *E.g., William Corboy, et al. v. FOP/MPD Labor Comm.*, 48 D.C. Reg. 8505, Slip Op. No. 391 at n. 3, PERB Case No. 93-S-01 (1994).

⁴⁶ *Id. See also, Ernest Durant v. FOP/DOC Labor Comm.*, 49 D.C. Reg. 782, Slip Op. No. 430 at n. 2, PERB Case No. 94-U-18 (1995); *Ellowese Barganier, et al. v. FOP/DOC Labor Comm.*, 43 D.C. Reg. 2949, Slip Op. No. 464, PERB Case No. 95-S-02 (1996); *Darcy Simpson et al. v. FOP/DOC Labor Comm.*, 64 D.C. Reg. 709, Slip Op. No. 1601 at 3, PERB Case Nos. 10-S-05, 10-S-07, 10-S-08, 10-S-09 (2016).

⁴⁷ Report at 6.

⁴⁸ Report at 6 (Provision 10.3).

⁴⁹ Report at 6 (Provision 15.2).

⁵⁰ Report at 6 (Provision 10.1).

⁵¹ Report at 7 (Provision 10.2). Although the Hearing Examiner found that reimbursement costs were inflated between November 2018 and July 2019, the Board only considers the violations to the date of the filing of the Complaint relevant.

⁵² Report at 6.

⁵³ Exceptions at 2.

⁵⁴ Exceptions at 3.

⁵⁵ Report at 4. (Provision 6.4).

⁵⁶ Report at 3.

Hearing Examiner found that, after the vote, the Treasurer refused to pay the bills.⁵⁷ The Hearing Examiner found that the express violation of the by-laws by the Treasurer caused injury to the membership.⁵⁸

The Board finds that the Hearing Examiner's determinations were reasonable, supported by the record, and consistent with Board precedent.

C. The Hearing Examiner's remedy was reasonable and supported by the record.

In the Report, the Hearing Examiner determined that the Complainants' demand to remove the Executive Committee would be more appropriately addressed by the general membership either under the internal union by-law procedures or in the union's next election.⁵⁹

In its Exceptions, the Complainants disagree with the remedy provided in the Report and appear to argue that the remedy requires the membership to wait for an Executive Committee election to address financial misconduct.⁶⁰

The record shows that the general membership had exercised its internal procedures and impeached an elected officer earlier in the same course of events. Considering this record, the Board finds that the Hearing Examiner's determination that removal is best addressed by the general membership is reasonable, supported by the record, and consistent with Board precedent.⁶¹

The Complainants also argue that the Hearing Examiner erred by not permitting an award of costs.⁶² The Complainants misconstrue the Hearing Examiner's finding on costs. The Hearing Examiner found that the Board has the authority to award costs but found that nothing in the record warranted providing this relief.⁶³ The Board awards costs when (1) the party requesting costs prevails in at least a significant part of litigation and costs are attributable to that portion of the litigation, (2) the costs are reasonable, and (3) the award is in the interest of justice.⁶⁴

Although the Complainants prevailed, the Hearing Examiner found neither oppressive conduct nor frivolous litigation that would warrant an award of costs.⁶⁵ The Hearing Examiner found that an award of costs would not be in the interest of justice.⁶⁶ The Board finds that the

⁵⁷ Report at 3.

⁵⁸ Report at 6.

⁵⁹ Report at n.5.

⁶⁰ Exceptions at 3.

⁶¹ See generally, 29 CFR § 417.1 (implementing section 401(h) of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 481) providing a remedy for removal of local elected union officers found guilty of serious misconduct including notice, hearing, and secret ballot vote of membership in good standing, when constitution and by-laws do not provide an adequate procedure for removal).

⁶² Exceptions at 3.

⁶³ Report at n.5.

⁶⁴ *AFGE, Local 2725 ex rel. Sandra Mcnair and Gerald Roper v. DCRA*, Slip Op. No. 1436 at 2, PERB Case No. 09-U-24 and 12-U-30 (2013).

⁶⁵ Report at n.5.

⁶⁶ See, *Wendell Cunningham v. FOP/MPD Labor Comm.*, 50 D.C. Reg. 2403, Slip Op. No. 693 at 2, PERB Case No. 01-U-04 and 01-S-01 (2002) (quoting *AFSCME, D.C. Council 20, Local 2776 v. D.C. Dept. of Finance and Revenue*, 37 DCR 5658, Slip Op. No. 245, PERB Case No. 89-U-02 (1990) ("Just what characteristics of a case will warrant the finding that an award of costs will be in the interest of justice cannot be exhaustively catalogued. We do not believe

Hearing Examiner's determinations were reasonable, supported by the record, and consistent with Board precedent.

Concerning the posting of a notice, the Board adopts the Hearing Examiner's remedy requiring that the Union post a notice acknowledging that it violated the CMPA. The Board has added greater specificity to the notice to be posted. The Board has previously noted that the overriding purpose and policy of relief afforded under the CMPA is the protection of rights for all employees.⁶⁷ It is in furtherance of the protection of employee rights that the Board's remedy requires the posting of a notice to all employees concerning the violation found and the relief afforded.⁶⁸ A notice posting requirement serves as a strong warning against future violations.⁶⁹

D. The Hearing Examiner's refusal to impose sanctions against the Respondents was reasonable and supported by the record.

Prior to issuing the Report, the Hearing Examiner denied a Motion for Sanctions filed by the Complainants.⁷⁰ The Complainants requested sanctions against the Respondents for failing to comply with the discovery orders.⁷¹ The Hearing Examiner found that the Respondents complied with several requests and that the record contained ample evidence to make a final determination on the allegations of the Amended Complaint.⁷²

In its Exceptions, the Complainants argue that the Hearing Examiner erred in ignoring the Respondents' failure to produce some of the evidence ordered in discovery.⁷³ The Complainants assert that the additional evidence would likely reveal financial improprieties.⁷⁴ The Complainants contend that the proper remedy for the "Respondents' misconduct cannot be fashioned if the extent of the misconduct remains hidden or unknown."⁷⁵ The Complainants requests that the Board compel production and allow further evidence to be entered into the record.⁷⁶

it possible to elaborate in any one case a complete set of rules or earmarks to govern all cases, nor would it be wise to rule out such awards in circumstances that we cannot foresee. What we can say here is that among the situations in which such an award is appropriate are those in which the losing party's claim or position was wholly without merit, those in which the successfully challenged action was undertaken in bad faith, and those in which 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.")

⁶⁷ *Wendell Cunningham v. FOP/MPD Labor Comm.*, 49 D.C. Reg. 7773, Slip Op. No. 682 at 7, PERB Case No. 01-U-04 and 01-S-01 (2002) (citing *Charles Bagentose v. DCPS*, 41 DCR 1493, Slip Op. No. 283 at p.3, PERB Case No. 88-U-33 (1991)).

⁶⁸ *Wendell Cunningham v. FOP/MPD Labor Comm.*, Slip Op. No. 682 at 7.

⁶⁹ *Id.*

⁷⁰ Order denying Motion for Sanctions at 2.

⁷¹ Order denying Motion for Sanctions at 2.

⁷² Order denying Motion for Sanctions at 2.

⁷³ Exceptions at 1.

⁷⁴ Exceptions at 2.

⁷⁵ Exceptions at 2.

⁷⁶ Exceptions at 2.

Hearing examiners have broad powers in determining the admissibility of evidence.⁷⁷ The Hearing Examiner is empowered under Board Rule 550.13 to compel the discovery of relevant evidence⁷⁸ and rule upon motions.⁷⁹ The Hearing Examiner considered the evidence and determined that the Respondents violated the Standards of Conduct by failing to maintain the fiscal integrity of the labor organization.⁸⁰ The Board finds that Hearing Examiner's determination regarding the amount of evidence necessary to develop a full factual record and remedy the Respondents' misconduct was reasonable, supported by the record, and consistent with Board precedent.⁸¹

IV. Conclusion

The Board, in total, finds that the Hearing Examiner's Report and Recommendation is reasonable, supported by the record, and consistent with Board precedent. The Board concludes that Fraternal Order Police/Department of Corrections Labor Committee violated D.C. Official Code § 1-617.03(a)(5) of the Comprehensive Merit Personnel Act.

ORDER

1. The Fraternal Order of Police/ Department of Corrections Labor Committee and its officers and its agents shall cease and desist from violating its by-laws, constitution, and the CMPA by failing to have signatories on bank accounts be bonded and insured, failing to conduct audits, failing to prepare and ratify an annual budget, and failing to issue appropriate reimbursements.
2. The Fraternal Order of Police/ Department of Corrections Labor Committee shall cease and desist from failing to adopt, subscribe, or comply with the Standards of Conduct for labor organizations prescribed under the CMPA in any like or related manner.
3. The Fraternal Order of Police/ Department of Corrections Labor Committee shall conspicuously post, within fourteen (14) calendar days of the service of this decision and order, the attached Notice detailing its violations of the CMPA at all places where notices to bargaining unit employees are customarily posted. Said Notice shall be posted for thirty (30) consecutive days.

⁷⁷ See PERB Rule 550.13(f), "Hearing Examiners shall have the duty to conduct fair and impartial hearings, to take all necessary action to avoid delay in the disposition of proceedings, and to maintain order. Hearing Examiners shall have all powers necessary to that end including, but not limited to, the power to: (f) Call and examine witnesses and introduce or exclude documentary or other evidence." See also, PERB Rule 550.16, "In hearings before Hearing Examiners, strict compliance with the rules of evidence applied by the courts shall not be required. The Hearing Examiner shall admit and consider proffered evidence that possesses probative value. Evidence that is cumulative or repetitious may be excluded."

⁷⁸ PERB Rule 550.13(d).

⁷⁹ PERB Rule 550.13(c).

⁸⁰ Report at 10.

⁸¹ E.g., *WTU, Local 6 v. DCPS*, 65 D.C. Reg. 7474, Slip Op. 1668 at 6, PERB Case No. 15-U-28 (2018).

4. The Fraternal Order of Police/ Department of Corrections Labor Committee shall provide the attached notice via email, within fourteen (14) calendar days of the service of this decision and order, to all bargaining unit members for which the Union has an email address.
5. Within twenty-one (21) days of the service of this decision and order, the Fraternal Order of Police/ Department of Corrections Labor Committee shall notify the Board in writing that the Notice has been posted as ordered.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By unanimous vote of Board Chairperson Douglas Warshof, Ann Hoffman, Barbara Somson, Mary Anne Gibbons, and Peter Winkler

May 28, 2020
Washington, D.C

NOTICE

TO ALL EMPLOYEES REPRESENTED BY THE FRATERNAL ORDER OF POLICE /DEPARTMENT OF CORRECTIONS LABOR COMMITTEE, 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. 1750, PERB CASE NO. 19-S-02.

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

WE WILL cease and desist from violating our by-laws, constitution, and the CMPA by failing to have signatories on bank accounts be bonded and insured, failing to conduct audits, failing to prepare and ratify an annual budget, and failing to issue appropriate reimbursements.

WE WILL NOT, in any like or related manner, fail to maintain the fiscal integrity of the labor organization.

WE WILL adopt, subscribe, or comply with the Standards of Conduct for labor organizations prescribed under the CMPA.

Fraternal Order of Police/ Department of Corrections Labor Committee

Date: _____

By: _____

(Chancellor)

This Notice must remain posted electronically for thirty (30) consecutive days from the date of posting and must not be altered.

If employees have any questions concerning the Notice or compliance with any of its provisions, they may communicate directly with the Public Employee Relations Board, by email at perb@dc.gov, by mail at 1100 4th Street SW, Suite 630E, Washington, D.C. 20024. Phone: 202-727-1822.

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 19-S-02, Slip Op. No.1750 was sent by File and ServeXpress to the following parties on this the 17th day of June 2020.

Eden Brown Gaines
Brown Gaines, LLC
10 G Street, NE, Suite 600
Washington, D.C. 20002

J. Michael Hannon
J. Scott Hagood
333 8th Street, NE,
Washington, D.C. 20002

/s/ Royale Simms
Attorney Advisor
Public Employee Relations Board