

Notice:
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:)	
)	
Charlene Haynesworth)	
and Darnell Lee,)	
)	
Petitioners,)	PERB Case Nos. 97-S-02
)	and 97-S-03
v.)	Opinion No. 555
)	
American Federation of Government)	
Employees, Local 631,)	
)	
Respondent.)	
)	
)	
)	
)	
)	

DECISION AND ORDER ON
MOTION FOR ENFORCEMENT

On March 6 and 12, 1998, a Motion and Amendment to Motion for Enforcement, respectively, were filed in the above-captioned matter by Complainant Charlene Haynesworth (Petitioner), seeking enforcement by the Board of its Orders in Opinion Nos. 528 and 535. There, we held that Respondent American Federation of Government Employees, Local 631 (AFGE) violated the Comprehensive Merit Personnel Act's (CMPA) standards of conduct for labor organizations by: (1) denying fair and equal treatment to its members under its governing rules during election proceedings for delegates and (2) applying its by-laws in a manner that failed to secure the defined rights of individual members to participate in its internal affairs.

The Petitioner contended that enforcement proceedings were warranted because of AFGE's alleged failure to comply with the Board's Order to post copies of Notices issued pursuant to our Decision and Order in Opinion 528 and 535. AFGE filed a Response to the Motion, denying that it had failed to post the Notices in accordance with our Order. A compliance hearing was scheduled in this matter.

Decision and Order

**PERB Case Nos. 97-S-02
and 97-S-03**

Page 2

Following a April 13, 1998 hearing and a May 14, 1998 settlement conference, the parties entered into an agreement, settling all outstanding issues in dispute. The Hearing Examiner has presented us with: (1) a "Report of Proceedings", (2) a copy the parties' settlement agreement, and (3) a proposed modified Notice. The Board hereby adopts the Hearing Examiner's Report and issues the following Order.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Motion for Enforcement is dismissed, without prejudice, as moot.

2. The American Federation of Government Employees, Local 631 (AFGE) shall post conspicuously within ten (10) days from the service of this Decision and Order signed copies of the attached Notice at all the work sites set forth in paragraph 4 of the parties' settlement agreement for thirty (30) consecutive days.

3. AFGE shall provide the Public Employee Relations Board (PERB) and the Petitioners, in writing, within ten (10) calendar days from the date of this Order, confirmation that the Notices have been posted. The confirmation shall include a signed copy of the Notice.

4. Upon notice from the Petitioner that AFGE has failed to comply with the terms of this Order and the referenced settlement agreement, the Petitioner may re-file its Motion for Enforcement of our Orders in Opinion Nos. 528 and 535. The Board will investigate and process the matter accordingly.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

Washington, D.C.
June 12, 1998

CERTIFICATE OF SERVICE

This is to certified that the attached Decision and Order in PERB Cases Nos. 97-S-02 and 97-S-03 mailed (U.S. Mail) to the following parties on this the 12th day of June, 1998.

Barbara Milton
620 54th Street, N.E.
Washington, D.C. 20019 U.S. Mail

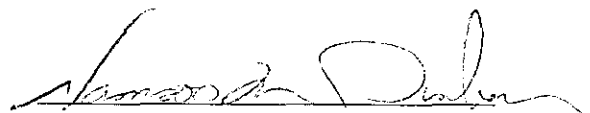
Carlene Haynesworth
1330 Levis Street, N.E.
Washington, D.C. 20002 U.S. Mail

Darnell Lee
3129 Apple Road, N.E.
Washington, D.C. 20018 U.S. Mail

Joseph Smith
Acting President
American Federation of
Government Employees,
Local 631, AFL-CIO
522 Crittenden Street, N.W.
Washington, D.C. 20011 U.S. Mail

Courtesy Copy

Barry Shapiro
Hearing Examiner
8404 Queen Annes Drive
Silver Spring, Md. 20910 U.S. Mail


Namsoo M. Dunbar
Deputy Executive Director



Public
Employee
Relations
Board

Government of the
District of Columbia



415 Twelfth Street, N.W.
Washington, D.C. 20004
[202] 727-1822/23
Fax: [202] 727-9116

NOTICE

TO ALL EMPLOYEES REPRESENTED BY THE AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, LOCAL 631, AFL-CIO, AT THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY AND THE DEPARTMENT OF PUBLIC WORKS: THIS OFFICIAL NOTICE IS POSTED BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD PURSUANT TO THE SETTLEMENT AGREEMENT IN PERB CASE NOS. 97-S-02 and 97-S-03 AS SET FORTH IN PERB CASE NO. 555.

WE HEREBY NOTIFY our bargaining unit members that the Public Employee Relations Board has found that the American Federation of Government Employees, Local 631, AFL-CIO (AFGE), violated the standards of conduct for labor organizations and, thereby, the law, and has adopted the parties' settlement agreement to post this notice.

WE WILL cease and desist from applying our by-laws and otherwise operating the labor organization in a manner that fails to define and secure the rights of individual members to participate in the affairs of the organization in accordance with basic democratic principles in violation of the Comprehensive Merit Personnel Act, as codified under D.C. Code § 1-605.2(9).

WE HEREBY NOTIFY our bargaining unit members that AFGE, Local 631, has complied with the Public Employee Relations Board's Orders in Slip Opinions Nos. 528 and 535 with respect to the status of Mr. Muminu Badmus.

WE WILL cease and desist from denying fair and equal treatment to Darnell Lee, Carlene Haynesworth and other members of AFGE, Local



Public
Employee
Relations
Board

Government of the
District of Columbia

415 Twelfth Street, N.W.
Washington, D.C. 20004
[202] 727-1822/23
Fax: [202] 727-9116



NOTICE

TO ALL EMPLOYEES REPRESENTED BY THE AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, LOCAL 631, AFL-CIO, AT THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY AND THE DEPARTMENT OF PUBLIC WORKS: THIS OFFICIAL NOTICE IS POSTED BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD PURSUANT TO THE SETTLEMENT AGREEMENT IN PERB CASE NOS. 97-S-02 and 97-S-03 AS SET FORTH IN PERB CASE NO. 555.

WE HEREBY NOTIFY our bargaining unit members that the Public Employee Relations Board has found that the American Federation of Government Employees, Local 631, AFL-CIO (AFGE), violated the standards of conduct for labor organizations and, thereby, the law, and has adopted the parties' settlement agreement to post this notice.

WE WILL cease and desist from applying our by-laws and otherwise operating the labor organization in a manner that fails to define and secure the rights of individual members to participate in the affairs of the organization in accordance with basic democratic principles in violation of the Comprehensive Merit Personnel Act, as codified under D.C. Code § 1-605.2(9).

WE HEREBY NOTIFY our bargaining unit members that AFGE, Local 631, has complied with the Public Employee Relations Board's Orders in Slip Opinions Nos. 528 and 535 with respect to the status of Mr. Muminu Badmus.

WE WILL cease and desist from denying fair and equal treatment to Darnell Lee, Carlene Haynesworth and other members of AFGE, Local 631, by denying or interfering with their rights to participate in union elections and other internal union affairs, consistent with the governing rules of AFGE, Local 631, in violation of the Comprehensive Merit Personnel Act (CMPA) standards of conduct for labor organizations, as codified under D.C. Code § 1-618.3(a)(1).

WE WILL NOT, in any like or related manner fail to adopt, subscribe, or comply with the standards of conduct for labor organizations prescribed under the Labor-Management sub-chapter of CMPA.

American Federation of
Government Employees,
Local 631, AFL-CIO,

Date: _____ By: _____
President

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 any questions concerning the Notice or compliance with any of its provisions, they may communicate directly with the Public Employee Relations Board, whose address is: 415-12th Street, N.W. Room 309, Washington, D.C. 20004. Phone: 727-1822.