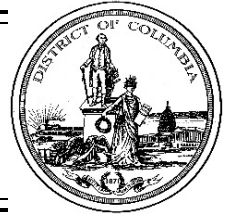

OFFICE OF AT-LARGE COUNCILMEMBER ANITA BONDS
CHAIRPERSON, COMMITTEE ON EXECUTIVE
ADMINISTRATION & LABOR



January 16, 2025

Executive Director Sheila Barfield and
General Counsel Lasheka Brown, Esq.
Office of Employee Appeals
955 L'Enfant Plaza, SW, Suite 2500
Washington, DC 20024

Dear Executive Director Barfield and Ms. Brown:

The annual performance hearing for the Office of Employee Appeals is scheduled for **Wednesday, February 5, 2025, beginning at 9:30 AM**. The hearing will begin with public testimony and followed by government witness(es). Please plan to arrive in time to listen to the entirety of the public testimony presented with respect to the agency. Pursuant to Council rule 522(a), we ask all executive witness(es) to submit their hearing testimony 48 hours in advance of their performance oversight hearing.

As a reminder, the Council has the authority to create, abolish, or organize any office, agency, department, or instrumentality of the government of the District and to define the powers, duties, and responsibilities of any such office, agency, department, or instrumentality¹. The Council also adopts the annual budget for the District of Columbia government². As such, the performance oversight process is not only mandatory, but necessary to maintain our government.

Written pre-hearing questions for your agency are attached. Please provide **five hard copies** of your responses as well as electronic versions in Microsoft Word and PDF format **by no later than 5:00 PM on Wednesday, January 29, 2025**, one week before the hearing date.

Please note that if you feel that I could use additional information outside the scope of the attached questions, please feel free to include an additional written statement. If your office requires any clarification of the attached questions, please contact Jeanmarie Elican, Deputy Legislative Director at 202-724-8198 or jelican@dccouncil.gov. Thank you in advance for your timely and comprehensive response.

Sincerely,

A handwritten signature in black ink, appearing to read "Anita Bonds".

Anita Bonds
At-Large Councilmember
Chairperson, Committee on Executive Administration and Labor

¹ D.C. Code § 1-204.04(b)

² D.C. Code § 1-204.46(a)

FY2025 Performance Oversight Pre-Hearing Questions – Office of Employee Appeals

I. STANDARD QUESTIONS

1. Please provide a current organizational chart for the agency, including the number of vacant, frozen, and filled positions in each division or subdivision. Include the names and titles of all senior personnel and note the date that the information was collected on the chart.
 - a. Please provide the number of divisions or bureaus within your agency, the number of staff in each division, the lead personnel of each division and their contact information, and the lead personnel's tenure in that division.
 - b. Please provide an explanation of the roles and responsibilities of each division and subdivision.
 - c. Please provide a narrative explanation of any changes to the organizational chart made during the previous year.

ANSWER:

See Attachment #1. With respect to changes to the organizational chart made during the previous year, during the third quarter of FY2024, the vacant Operations Manager position was reclassified to a Paralegal Specialist position that would provide support to the Administrative Judges. Thereafter, during the fourth quarter of FY2024, the agency began the recruitment process for hiring a Paralegal Specialist. The successful candidate was selected and began work on November 18, 2024.

2. Please provide a current Schedule A for the agency which identifies each position by program and activity, with the employee's title/position, salary, fringe benefits, residency status, and length of time with the agency. Please note the date that the information was collected. Schedule A should also indicate if the position is continuing/term/temporary/contract or if it is vacant or frozen. Please separate salary and fringe and indicate whether the position must be filled to comply with federal or local law.

ANSWER:

See Attachment #2.

3. Please list all employees detailed to or from your agency. For each employee identified, please provide the name of the agency the employee is detailed to or from, the reason for the detail, the date of the detail, and the employee's projected date of return.

ANSWER:

No employees have been detailed to or from OEA.

4. Please provide the Committee with:
 - a. A list of all employees who received or retained cellphones, personal digital assistants, or similar communications devices at agency expense in FY24 and Q1 of FY25;
 - b. A list of monthly costs for cell phones, tablets, and laptops;

- c. A list of all vehicles owned, leased, or otherwise used by the agency and to whom the vehicle is assigned in FY24 and Q1 of FY25;
- d. A list of travel expenses, arranged by employee for FY24 and Q1 of FY25, including the justification for travel; and
- e. A list of the total workers' compensation payments paid in FY24 and Q1 of FY25, including the number of employees who received workers' compensation payments, in what amounts, and for what reasons.

ANSWER:

See Attachment #3. The agency does not own, lease, or otherwise use vehicles. No workers' compensation payments were made in FY24 or Q1 of FY25.

- 5. For FY24 and Q1 of FY25, please list all intra-District transfers to or from the agency.

ANSWER:

See Attachment #4.

- 6. For FY24 and Q1 of FY25, please identify any special purpose revenue funds maintained by, used by, or available for use by the agency. For each fund identified, provide:
 - a. The revenue source name and code;
 - b. The source of funding;
 - c. A description of the program that generates the funds;
 - d. The amount of funds generated by each source or program;
 - e. Expenditures of funds, including the purpose of each expenditure; and
 - f. The current fund balance.

ANSWER:

OEA does not maintain, use, or have available to it any special purpose revenue funds.

- 7. Please list all memoranda of understanding ("MOU") entered into by your agency during FY24 and Q1 of FY25, as well as any MOU currently in force. For each, indicate the date on which the MOU was entered and the termination date.

ANSWER:

See Attachment #5.

- 8. Please provide a table showing your agency's Council-approved original budget, revised budget (after reprogrammings, etc.), and actual spending, by program and activity, for FY22, FY23, FY24 and Q1 of FY25.
 - a. For each program and activity, please include total budget and break down the budget by funding source (federal, local, special purpose revenue, or intra-district funds).
 - b. Include any over- or under-spending. Explain any variances between fiscal year appropriations and actual expenditures for FY24 and Q1 of FY25 for each program and activity code.
 - c. Attach the cost allocation plans for FY24 and FY25.

- d. In FY24 and Q1 of FY25, did the agency have any federal funds that lapsed? If so, please provide a full accounting, including amounts, fund sources (e.g. grant name), and reason the funds were not fully expended.

ANSWER:

See Attachment #6. OEA's entire budget is from local funds and, therefore, does not have any federal funds.

9. Please provide as an attachment a chart showing the agency's overall Grants, Contracts, and Reprogramming received during FY24 and Q1 of FY25. Please break down into the following:
 - a. Name and amount of federal source of funding agency and program, broken down in percentage (%) and dollar amount (\$);
 - b. Name and amount of local source of funding agency and program, broken down in percentage (%) and dollar amount (\$);
 - c. Identify whether each funding source is recurring or one-time;
 - d. Identify whether the contract was competitively bid or sole-source; and
 - e. Indicate the receiving agency and amount of funding for funds moved out of the agency.

ANSWER:

See Attachment #7.

10. Please provide a copy of the required Small Business Enterprise (SBE) Report for FY25.

ANSWER:

See Attachment #8.

11. Please provide the following information regarding capital projects:
 - a. A list of all capital projects in the financial plan.
 - b. For FY22, FY23, FY24, and Q1 of FY25 an update on all capital projects under the agency's purview, including a status report on each project, the timeframe for project completion, the amount budgeted, actual dollars spent, and any remaining balances, to date.
 - c. An update on all capital projects planned for FY25, FY26, FY27, FY28, and FY29.
 - d. A description of whether the capital projects begun, in progress, or concluded in FY21, FY22, FY24, or Q1 of FY25, had an impact on the operating budget of the agency. If so, please provide an accounting of such impact.

ANSWER:

OEA does not have any capital projects.

12. Please list all lawsuits pending and resolved, that name the agency as a party, during FY24 and Q1 of FY25. Identify the case name and number, claim and status.

ANSWER:

Other than matters where OEA is named as a technical party of interest to file the record in court, there are no lawsuits that name or concern OEA or any employees of the agency. Below are the Superior Court and Court of Appeals matters where OEA is a technical party of interest.

FY2024 Superior Court Cases				
No.	Case Name	Case Number	Case Status	Cause of Action
1.	Gene Jackson v. Office of the Attorney General	2023-CAB-003712	Open- No further action.	Misconduct and neglect of duty
2.	Devlin Hillman v. D.C. Department of Parks and Recreation	2023-CAB-005529	Closed-Order granting Intervenor's motion to dismiss on January 8, 2024.	At-will employment
3.	Gina Vaughn v. Office of Employee Appeals	2023-CAB-006681	Closed- OEA's decision was affirmed on December 2, 2024. The matter was appealed to the D.C. Court of Appeals on January 3, 2025.	Reduction-in-Force
4.	Ramses Davis v. D.C. Public Schools	2023-CAB-004936	Closed- Motion for Reconsideration of Petition for Review was denied on August 2, 2024. The matter was appealed to the D.C. Court of Appeals on August 8, 2024.	Reduction-in-Force
5.	Andrew Johnson v. District of Columbia Public schools, et al.	2022 CA 000506 P(MPA)	Closed-OEA's decision was affirmed on May 24, 2024.	Motion for Reconsideration
6.	District of Columbia Office of Unified Communications v. District of Columbia Office of Employee Appeals	2022-CAB-006055	Closed-OEA's decision was affirmed on October 30, 2023.	Safety-sensitive and drug test
7.	Andrew Johnson v. District of Columbia Public Schools, et al.	2022 CA 000506 P(MPA)	Closed on May 24, 2024- Order denying Employee's motion to re-open the matter for back pay calculation.	Motion for Reconsideration
8.	D.C. Fire and Emergency Medical Services Department v. D.C. Office of Employee Appeals, et al.	2023-CAB-001076	Closed-OEA's decision was reversed on December 29, 2023. Motion for Reconsideration was denied on May 8, 2024.	Suspension, motion for reconsideration
9.	Victoria Nance v. Office of Employee Appeals, et al.	2023-CAB-007596	Closed- Motion for Reconsideration was denied on November 6, 2024. The matter was appealed to the	Failure to follow instructions and neglect of duty

			D.C. Court of Appeals on December 6, 2024.	
	Harold Dargan v. Office of Employee Appeals	2023-CAB-007818	Closed-OEA's decision was affirmed on September 27, 2024. The matter was appealed to the D.C. Court of Appeals on October 29, 2024.	EMT certification
10	Clarence Sykes v. Department of Transportation, et al.	2023-CAB-004265	Open- Motion Hearing on February 13, 2025.	Absent Without Official Leave
11	Mary Beaven v. District of Columbia Office of Employee Appeals, et al.	2023-CAB-007857	Closed-OEA's decision was affirmed on October 17, 2024.	False statements, performance deficits, and neglect of duty
12	Ashley Iorio v. D.C. Department of Forensic Sciences	2023-CAB-007856	Closed- OEA's decision was affirmed on October 1, 2024.	False statements, performance deficits, and neglect of duty
13	Elizabeth Marso v. D.C. Department of Forensic Sciences	2024-CAB-000343	Closed- The matter was remanded to OEA on January 10, 2025.	Reduction-in-Force
14	Ashley Bobek v. D.C. Department of Forensic Sciences	2024-CAB-000335	Open- Status hearing on July 11, 2025.	Reduction-in-Force
15	Kim Brittingham v. D.C. Department of Forensic Sciences	2024-CAB-000336	Open- Status hearing on April 18, 2025.	Reduction-in-Force
16	Jakeline Ruiz-Reyes v. D.C. Department of Forensic Sciences	2024-CAB-000345	Closed- OEA's decision was affirmed on April 11, 2024. The matter was appealed to the D.C. Court of Appeals on May 13, 2024.	Reduction-in-Force
17	Julia Washington v. D.C. Office of Employee Appeals	2024-CAB-000346	Closed- OEA decision affirmed on March 25, 2024. This matter was appealed to the D.C. Court of Appeals on April 24, 2024	Reduction-in-Force
18	Phinon Beckham v. D.C. Department of Forensic Sciences	2024-CAB-000387	Open- No further action indicated	Reduction-in-Force
19	Maya Gilliam v. D.C. Department of Forensic Sciences	2024-CAB-000339	Closed- OEA's decision affirmed on April 17, 2024. This matter was appealed to the D.C. Court of Appeals on May 14, 2024.	Reduction-in-Force

20	Laketa Bailey v. D.C. Department of Forensic Sciences	2024-CAB-000393	Open- Remote status hearing on April 25, 2025.	Reduction-in-Force
21	Richard McCraw v. D.C. Department of Forensic Sciences	2024-CAB-000344	Open- Remote status hearing on April 25, 2025.	Reduction-in-Force
22	Steven Allen v. District of Columbia Consumer and Regulatory Affairs	2024-CAB-002372	Open- Remote status hearing on March 28, 2025.	Neglect of duty
23	Andrew Johnson v. D.C. Public Schools	2024-CAB-003339	Open- Remote status hearing on March 14, 2025.	Motion for Reconsideration
24	Curtis Pearson v. D.C. Department of Transportation	2024-CAB-004268	Closed-OEA's decision was affirmed on January 10, 2025.	30-day filing deadline
25	Charlene Dickens v. D.C. Office of Employee Appeals, et al.	2024-CAB-004268	Open- Remote status hearing on March 28, 2025.	Performance Improvement Plan

FY2024 Court of Appeals Cases				
No.	Case Name	Case Number	Case Status	Cause of Action
1.	Brendan Cassidy J. Cassidy v. District of Columbia Office of Employee Appeals, et al.	22-CV-0074	Closed- OEA's decision was affirmed on December 4, 2024.	Reduction-in-Force
2.	Franswello Russell v. Department of Public Works, et al.	23-CV-0552	Open-Under Advisement	Positive drug test (marijuana)
3.	Sammuel Murray v. D.C. Department of Youth Rehabilitation Services	23-CV-0082	Open-Under Advisement	Interest on back pay award
4.	Widmon Butler v. Office of Employee Appeals, et al.	23-CV-0227	Closed-OEA's decision was affirmed on May 21, 2024.	90-day rule
5.	Zack Gamble v. Metropolitan Police Department, et al.	23-CV-0557	Open- Under advisement	Reduction-in-Force
6.	Sheila Thomas-Bullock v. D.C. Metropolitan Police Department, et al.	19-CV-1266	Closed- OEA's decision was reversed on October 4, 2023.	90-day rule

7.	Kisha Spencer v. Department of For-Hire Vehicles, et al.	24-CV-0326	Open- In briefing	Failure to follow instructions
8.	Ramses Davis v. D.C. Public Schools	24-CV-0788	Open-Awaiting Completion of Record.	Reduction-in-Force
9.	Jakeline Ruiz-Reyes v. D.C. Department of Forensic Sciences, et. Al.	24-CV-0462	Open- In briefing	Reduction-in-Force
10.	Maya Gilliam v. D.C. Department of Forensic Sciences, et. al	24-CV-0460	Open- In briefing	Reduction-in-Force
11.	Julia Washington v. D.C. Office of Employee Appeals, et al.	24-CV-0404	Open- In briefing	Reduction-in-Force

FY2025 Superior Court Cases				
No.	Case Name	Case Number	Case Status	Cause of Action
1.	Cassandra Gudger v. District of Columbia Office of Employee Appeals	2024-CAB-005490	Open- Status hearing on May 2, 2025	Jurisdiction/Temporary Employee
2.	Cody Elder v. Department of Forensic Sciences	2024-CAB-000337	Open- Status hearing on February 7, 2025	Reduction-in-Force

FY2025 Court of Appeals Cases				
No.	Case Name	Case Number	Case Status	Cause of Action
1.	Gina Vaughn v. D.C. Office of Employee Appeals, et al.	25-CV-0007	Open- Pending	Reduction-in-Force
2.	Victoria Nance v. Office of Employee Appeals, et al.	24-CV-1121	Open- Mediation	Neglect of Duty, Failure to Follow Instructions, 90-day rule
3.	Harold Dargan v. D.C. Office of Employee Appeals	24-CV-1001	Open- Mediation	EMT certification

13. Please describe the agency's procedure for handling allegations of workplace harassment during FY24 and Q1 of FY25. Indicate the following:
- a. Date of offense;
 - b. Whether the parties report to the same supervisor;
 - c. The findings of substantiation or non-substantiation;
 - d. What official action was taken; and
 - e. Identify the deciding official in each case.

ANSWER:

OEA had no allegations of workplace harassment during FY24, nor have there been any allegations of workplace harassment in Q1 of FY25.

14. Please describe the agency's handling of sexual harassment claims received during FY24 and Q1 of FY25. Indicate the following:
- a. Date of offense;
 - b. Whether the parties report to the same supervisor;
 - c. The findings of substantiation or non-substantiation;
 - d. What official action was taken;
 - e. Identify the investigating official or Sexual Harassment Officer (SHO) for each claim; and
 - f. The date the report was forwarded to the Mayor's Office of Legal Counsel.

ANSWER:

OEA had no sexual harassment claims during FY24, nor have there been any sexual harassment claims in Q1 of FY25.

15. Please list and describe all investigations, audits, studies, or reports by other entities regarding the work of the agency or conduct of agency employees during FY24 and Q1 of FY25.

ANSWER:

There were no investigations, audits, studies, or reports regarding the work of the agency or conduct of agency employees during FY24, nor have there been any in Q1 of FY25.

16. Provide a list of all publications, brochures and pamphlets prepared by or for the agency during FY24 and Q1 of FY25.

ANSWER:

No publications, brochures, or pamphlets were prepared by or for the agency during FY24. The agency is, however, in the early stages of creating a quarterly newsletter which will inform the public about the work done by the agency and any activities in which the agency participated during the quarter.

17. Please provide a list of all studies, research papers, reports, and analyses that the agency prepared or contracted for during FY24 and Q1 of FY25. Please state the status and purpose

of each. Please submit a hard or electronic copy to the Committee if the study, research paper, report, or analysis is complete.

ANSWER:

OEA did not prepare, or contract to have prepared, any studies, research papers, reports, or analyses during FY24 or in Q1 of FY25.

18. Please provide a copy of the agency's FY24 performance plan. Please explain which performance plan objectives are completed in FY24 and whether they were completed on time and within budget. If they were not, please provide an explanation.

ANSWER:

See Attachment #9. All the Key Performance Indicators (KPI's), except for Percent of OEA decisions upheld by the courts and Time Required to Complete Adjudications, and Workload Measures were completed in FY24. The Percent of OEA decisions upheld by the courts KPI was unmet. The agency issues legally sound decisions. Occasionally the court may disagree with a decision and issue a different outcome. The Time Required to Complete Adjudications KPI was unmet. Oftentimes during the adjudicatory process, the parties will request an extension of time. When the request is granted for good cause shown, the time within which to issue a decision is extended.

19. Please provide a copy of your agency's approved FY25 performance plan as submitted to the Office of the City Administrator, including approved goals, objectives, timelines, planned program and projects, anticipated FTE allocation and expenditure, and metric outcomes to be analyzed.

ANSWER:

See Attachment #10. OEA does not calculate the anticipated FTE allocation or expenditure with respect to its performance plan.

20. Please provide the number of FOIA requests for FY24 and Q1 of FY25, that were submitted to your agency. Include the number granted, partially granted, denied, and pending. In addition, please provide the average response time, the estimated number of FTEs required to process requests, the estimated number of hours spent responding to these requests, and the cost of compliance.

ANSWER:

See Attachment #11.

21. Please provide each collective bargaining agreement that is currently in effect for agency employees. Please include the bargaining unit and the duration of each agreement. Please note if the agency is currently in bargaining and its anticipated completion.

ANSWER:

There are no collective bargaining agreements in effect for OEA employees.

22. If there are any boards or commissions associated with your agency, please provide a chart listing the names, confirmation dates, terms, wards of residence, and attendance of each member. Include any vacancies. Please also attach agendas and minutes of each board or commission meeting in FY24 and Q1 of FY25, if minutes were prepared. Please inform the Committee if the board or commission did not convene during any month.

ANSWER:

Information related to our Board is provided in the chart below. The agenda and minutes are in Attachment # 12.

Member's Name	Confirmation Date	Term Expiration Date	District Resident? (y/n)	Ward	FY24 Attendance	Q1 FY25 Attendance
Clarence Labor, Jr. (Term Expired)	04/02/2018	04/06/2024	Yes	Ward 5	11/16/2023 01/04/2024 03/07/2024 05/30/2024 07/11/2024 09/12/2024	NA
Peter Rosenstein (Term Expired)	08/07/2018	04/06/2024	Yes	Ward 2	11/16/2023 01/04/2024 03/07/2024 05/30/2024 07/11/2024 09/12/2024	NA
Dionna Maria Lewis	02/11/2019	04/06/2025	Yes	Ward 7	11/16/2023 01/04/2024 03/07/2024 05/30/2024 09/12/2024	01/16/2025
Arrington L. Dixon	11/09/2023	04/06/2029	Yes	Ward 8	11/16/2023 01/04/2024 03/07/2024 05/30/2024 07/11/2024 09/12/2024	01/16/2025
Jeanne Moorehead	10/29/2024 ³	04/06/2030	Yes	Ward 1	NA	01/16/2025
LaShon Adams	10/29/2024 ⁴	04/06/2030	Yes	Ward 8	NA	01/16/2025
Vacant Position	Vacant	Vacant	Vacant	Vacant	Vacant	Vacant

³ Board Member Moorehead was sworn in on November 21, 2024.

⁴ Board Member Adams was sworn in on November 21, 2024.

- 23.** Please list all reports or reporting currently required of the agency in the District of Columbia Code or Municipal Regulations. Indicate the following:
- a. Report due date;
 - b. If the agency complied;
 - c. Date of actual transmittal; and
 - d. To which entity the reports were filed.

ANSWER:

Currently, OEA is required to issue an annual report on the activities of the agency to the Mayor and Council which should include the number and nature of cases heard by the agency and the outcome; the number of appeals heard by the Board and the outcome; the number of appeals taken to Superior Court and the outcome; a statement regarding the length of time to issue decisions; a statement regarding the number of backlogged cases, if any; and information pertaining to residency requirements as outlined in D.C. Official Code § 1-606.01(1)(3). The agency provides quarterly reporting through QuickBase of all the activities listed above except for the outcome of the cases heard by the judges, the Board, and Superior Court and the number of backlogged cases. The agency provides annual reporting through QuickBase on the length of time required to issue decisions. Please refer to the answers provided to questions #34 and #37 for the outcome of cases. Please refer to the answers provided to question #39 for information on the number of backlogged cases. Residency requirement information is contained within OEA's Schedule A and has been provided herein in answer to question #2.

- 24.** Please provide a list of any additional training or continuing education opportunities made available to agency employees. For each additional training or continuing education program, please provide the subject of the training, the names of the trainers, and the number of agency employees that were trained.

ANSWER:

See Attachment #13.

- 25.** Does the agency conduct annual performance evaluations of all its employees? Who conducts such evaluations? What steps are taken to ensure that all agency employees are meeting individual job requirements?

ANSWER:

The agency conducts annual performance evaluations of all its employees. Each employee's immediate supervisor conducts that employee's evaluation. The Chairman of the Board conducts the evaluation of the Executive Director and General Counsel. Periodic meetings with each employee are conducted throughout the year to ensure that the employee is meeting his or her individual job requirements.

- 26.** Please include a chart of FY24 employee evaluation rating showing the employee's job title, duties/responsibilities, classification grade, salary, date of employment, and FY24 evaluation rating. Also, please identify if the employee has been separated from the agency during FY24 or Q1 of FY25.

ANSWER:

See Attachment #14.

27. Please provide a list of programs, initiatives, activities conducted by the agency to comply with a Racial Equity Lens objective.

ANSWER:

OEA does not conduct any programs, initiatives, or activities related to a Racial Equity Lens objective.

28. Please provide a chart of agency programs conducted during FY24. Include the following:
- a. Initiation date;
 - b. Number and grade of FTEs assigned;
 - c. Program manager;
 - d. Total budget expenditure for the program (e.g. FTE salaries, materials, etc.); and
 - e. Outcomes from implementation (e.g. policy changes, program continuation, public support comments, etc.)

ANSWER:

See Attachment #15.

29. Please provide a chart showing the agency's program priorities for FY24 and FY25. Include the following:
- a. Staffing numbers;
 - b. Expenditure;
 - c. Community outreach activities; and
 - d. Measurable outcomes or metrics associated for each priority.

ANSWER:

See Attachment #16.

30. Please provide a copy of the agency's FY24 Performance Accountability Report of strategic objectives, indicate if key performance indicators were met, and with which other government agency was the report filed.

ANSWER:

See Attachment #17. This report was filed with the Office of the City Administrator.

II. AGENCY-SPECIFIC QUESTIONS

A. Agency Organization and Personnel

31. List the roles within the agency and a description of each position.

ANSWER:

See Attachment #18.

32. Please provide the Committee with board member contact information for members as of Jan. 1, 2025.

- a. How many board members are required to form a quorum?
- b. Are there any board vacancies? If so, does the Board have any individuals in mind to recommend to the Executive?

ANSWER:

Member's name	Member type (public, management, labor)	Email Address
Dionna M. Lewis	Board Chair	Dionna.lewis@dc.gov
Arrington Dixon	Board Member	arrington.dixon@dc.gov
Jeanne Moorehead	Board Member	jeanne.moorehead1@dc.gov
LaShon Adams	Board Member	lashon.adams@dc.gov
Vacancy	Board Member	Vacant

In accordance with D.C. Code §1-606.01(d), “[t]hree members of the Office shall constitute a quorum for the transaction of official business and the issuance of rules and regulations.”

- c. Are there any board vacancies? If so, does the Board have any individuals in mind to recommend to the Executive?

ANSWER:

There is currently one vacancy on the Board. The Committee on Executive Administration and Labor held a roundtable on November 22, 2024, to consider the confirmation of Pia Winston to fill this vacancy. It is our hope that she will be confirmed soon. Additionally, the term of our current Board Chair, Dionna Maria Lewis, expires on April 6, 2025.

33. Does the agency currently have any vacancies? If so, how long have they been vacant, where was the listing posted, and what are the agency's plans to fill the vacancy?

ANSWER:

The agency currently has one remaining vacant position. The position has been vacant since April 21, 2023, and is for the position of Senior Administrative Assistant. This is the last of three positions that remain to be filled. In order of priority, the Administrative Judge and Paralegal Specialist positions were to be filled first. Now that those positions have been filled, the recruitment process for filling the Senior Administrative Assistant position will begin in Q3 of FY25.

B. Agency Caseload

34. Please provide a breakdown of OEA cases and decisions from FY 2024 through FY 2025, including the number of complaints or cases filed, complaints dismissed, decisions issued, settled cases, withdrawn cases, appealed cases, and decisions overturned or remanded on appeal.

OEA Cases and Decisions, FY2024 through 2025-to-date

	FY2024	FY 2025
Number of complaints or cases filed (Petitions for Appeal)	92	19
Number of decisions issued (Initial Decisions)	89	23
Number of cases upheld (Initial Decisions)	24	4
Number of cases dismissed (Initial Decisions)	41	14
Number of cases reversed (Initial Decisions)	9	1
Number of cases denied (Initial Decisions)	1	0
Number of cases settled (Initial Decisions)	10	4
Number of cases involving attorney's fees (Initial Decisions)	3	2
Number of petitions for enforcement/compliance (Initial Decisions)	1	0
Number of cases withdrawn (Initial Decisions)	19 ⁵	8 ⁶
Number of complaints or cases filed (Petitions for Review)	17	3
Number of decisions issued (Opinions and Orders)	16	4
Number of cases granted (Opinions and Orders)	1	0
Number of cases dismissed (Opinions and Orders)	0	0
Number of cases reversed (Opinions and Orders)	2	0
Number of cases denied (Opinions and Orders)	8	2
Number of cases settled (Opinions and Orders)	1	0
Number of cases remanded (Opinions and Orders)	4	2
Number of cases involving attorney's fees (Opinions and Order)	0	0
Number of petitions for enforcement/compliance (Opinion and Orders)	0	0
Number of decisions appealed (total)	31	5
• DC Superior Court	22	2
• DC Court of Appeals	9	3
Number of pending appeals (total)	17	5
• DC Superior Court	9	2
• DC Court of Appeals	8	3
Number of OEA decisions overturned or remanded on appeal (total)	6 Remands 5 Reversals	1 Remand 1 Reversal
• DC Superior Court	3 Remands 3 Reversals	1 Remand 1 Reversal

⁵ The cases that were withdrawn are included in the count for dismissed appeals.

⁶ The cases that were withdrawn are included in the count for dismissed appeals.

<ul style="list-style-type: none"> • DC Court of Appeals 	3 Remands 2 Reversals	0
Number of OEA decisions upheld on appeal (total)	23	6
<ul style="list-style-type: none"> • DC Superior Court 	17	5
<ul style="list-style-type: none"> • D.C. Court of Appeals 	6	1

35. Please provide the number of employee complaints filed categorized by government agency during FY 2024 and FY 2025, and for each complaint include the following:

- Date filed
- Issue matter/ case type
- Whether the case is open or close
- Number of days the case has been/ was open for
- Disposition of the case, if applicable

ANSWER:

See Attachment # 19.

36. How many mediations were conducted by OEA in FY2024 and FY 2025? Please indicate the result of each mediation.

- Please explain what happens to cases that enter mediation but are not settled through mediation.
- When does the agency determine that mediation is no longer viable?

ANSWER:

OEA conducted five mediations in FY2024. So far in FY2025, no mediation has been conducted. If a case is not settled through mediation, it is assigned to an Administrative Judge for adjudication. Mediation is no longer viable when the parties have reached a stale mate and no longer want to actively engage in settlement talks.

37. Have any decisions been reversed or remanded by the Superior Court or the Court of Appeals in FY 2024 or FY 2025? If so, please provide a narrative description explaining each.

ANSWER:

2024 Superior Court Remands

- D.C. Fire & Emergency Medical Services Department v. D.C. Office of Employee Appeals, Case No. 2023-CAB-001068*** – The Court found that the OEA Administrative Judge (“AJ”) reversed Agency’s termination action based on arguments not raised before the Trial Board or OEA, noting that the rulings were made without any briefing or arguments from the parties. Therefore, it remanded the matter for briefing or arguments on: (1) the propriety of Agency’s application of the 2012 District Personnel Manual (“DPM”)

– rather than the 2017 version – to determine if Employee’s conduct was subject to discipline, and (2) whether Employee waived her right to challenge her discipline because she failed to raise the issue before the Trial Board.

On remand, the parties were ordered to submit briefs addressing the issues outlined in the Court’s order. However, on April 30, 2024, Agency filed a Motion for Certification of Interlocutory Appeal to the OEA Board, arguing that the AJ’s briefing order exceeded the scope of the Court’s remand instructions. On May 30, 2024, the Board issued an order clarifying which issues should be addressed by the parties. The parties subsequently submitted response briefs, but on December 11, 2024, a Notice Regarding Temporary Abeyance of Proceedings was issued on the AJ’s behalf. The notice informed the parties that the matter will be held in abeyance pending the presiding AJ’s return to duty.

2. ***[Employee] v. D.C. Office of Employee Appeals, Case No. 2019-CA-004173 P(MPA)*** – In this matter, the Court of Appeals previously issued an opinion affirming in part and reversing in part OEA’s April 29, 2019, Initial Decision.⁷ The Court upheld OEA’s reversal of Employee’s fifteen-day suspension and entered a direct order reversing Employee’s twenty-day suspension to include backpay and benefits lost as a result of the suspension actions. On July 1, 2024, the Superior Court of the District of Columbia remanded the matter to OEA to issue a decision consistent with the Court of Appeal’s ruling. Thereafter, a second Initial Decision was issued on September 16, 2024. In accordance with the Court’s instructions, the AJ directed Agency to issue Employee back pay and benefits lost as a result of the fifteen-day and twenty-day suspensions. The parties were subsequently instructed to submit joint status reports regarding Employee’s backpay. On December 6, 2024, the parties submitted a status report regarding settlement negotiations on the issue of attorney’s fees. The parties indicated that they reached an agreement to resolve the fee issue, and on January 21, 2025, the AJ issued an Addendum Decision on Attorney’s Fees dismissing Employee’s fee petition. The reinstatement and related compliance issues remain pending before the AJ. The next status report is due from the parties on or before March 3, 2025.
3. ***District of Columbia Retirement Board v. D.C. Office of Employee Appeals, Case No. 2023-CAB-005159*** – The Court ruled that Agency did not raise the issue of OEA’s subject matter jurisdiction before the AJ. It went on to explain that determining whether Employee was a Career Service employee or a Legal Service/Senior Executive Attorney Service employee required the resolution of certain factual disputes, including those raised by Employee before the Court. Because neither party raised the issue of Employee’s job classification before OEA, the Court held that the AJ made no factual findings on this issue. Since there were factual disputes still at issue, the Court remanded the matter to the AJ to determine: (1) whether Employee’s status was Career Service, Legal Service, or Senior Executive Attorney Service at the time Agency commenced its removal action, and (2)

⁷ See Case No. 22-CV-0220, in which Employee filed a Petition for Appeal with OEA as a result of a fifteen-day suspension on October 15, 2015. He filed a second petition with OEA on May 10, 2017, to contest a twenty-day suspension. Consequently, the AJ consolidated the matters for judicial efficiency at the request of the parties.

whether OEA has subject-matter jurisdiction to hear Employee's appeal. On December 13, 2024, a Notice Regarding Temporary Abeyance of Proceedings was issued on the AJ's behalf. The notice informed the parties that the matter will be held in abeyance pending the presiding AJ's return to duty.

2024 Superior Court Reversals

1. ***D.C. Fire & Emergency Medical Services Department v. D.C. Office of Employee Appeals, Case No. 2023-CAB-001076*** – The Court held that the AJ erred in finding that Agency committed a harmful procedural error because it relied on the 2012 DPM, rather than the 2017 DPM, when removing Employee. It determined that Agency and Employee's union, Local 36, bargained to implement a disciplinary system consistent with the 2012 version of the DPM. According to the Court, the charges against Employee were properly raised in accordance with the charges and penalties outlined in the 2012 iteration of the regulations. Therefore, it found that the AJ's reliance on the 2017 version of the DPM was not supported by substantial evidence. Moreover, the Court ruled that the AJ exceeded her limited role of reviewing the Trial Board's decision and substituted her judgment for that of Agency. Consequently, it reversed the Initial Decision and upheld Agency's termination action. Employee subsequently filed a Motion for Reconsideration with the Court requesting that it reassess its previous ruling. The motion was denied on December 29, 2023. The Court's substantive decision was appealed to the D.C. Court of Appeals where it is pending review.
2. ***D.C. Department of For-Hire Vehicles v. D.C. Office of Employee Appeals, Case No. 2022-CA-004395 P(MPA)*** – The Court held that the AJ erred in finding that Employee's conduct did not exhibit a deliberate or malicious refusal to follow instructions. It concluded that the AJ mischaracterized Employee's submission of a May 13, 2020, assignment in finding that Employee's actions simply reflected an untimely submission of one assignment pending further supervisory instruction. Additionally, the Court determined that the AJ did not consider Employee's previous failure to follow instructions charge in 2018. It noted that the charge of failure to follow instructions at issue occurred on May 13, 2020, approximately eleven months after Employee received a second charge for the same conduct. Thus, the Court reasoned that the record before the AJ demonstrated a pattern of Employee's noncompliance that was evidenced by three separate charges of failure/refusal to follow instructions during a three-year span. Accordingly, it concluded that the adverse action was taken in accordance with Chapter 6-B, §§ 1607.2(d)(2) and (b)(4) of the D.C. Municipal Regulations ("DCMR"). It also ruled that the penalty was consistent with the parameters outlined in DPM § 1607.2(d)(2).

Finally, the Court opined that the AJ abused her discretion because the record did not contain sufficient evidence to corroborate the veracity of Employee's need for an accommodation. It provided that while the AJ's findings relied heavily on the challenges the COVID-19 pandemic presented to school parents, it did not excuse that Employee's statements were facially false. Therefore, the Initial Decision was reversed, and Agency's termination action was upheld.

3. ***D.C. Fire & Emergency Medical Services v. D.C. Office of Employee Appeals, et al., Case No. 2023-CAB-003610*** – The Court ruled that the AJ improperly held that Agency committed a harmful procedural error by relying on the 2012 DPM, rather than the 2019 DPM, when terminating Employee. It highlighted that Agency and Employee’s union, Local 36, bargained to implement a disciplinary system consistent with the 2012 version of the regulations. The Court went on to explain that the charges brought against Employee were levied in accordance with the charges and penalties outlined in 2012 DPM, and not the revisions, which resulted in substantive changes related to the charges and penalties that could be levied against members of the union. Moreover, it held that the imposed charges were clearly specified in support of Agency’s determination that discipline was warranted. Therefore, the Court concluded that the AJ’s reliance on the 2019 DPM was not supported by substantial evidence. As a result, it held that Employee was properly terminated, and the Initial Decision was reversed. Employee subsequently filed a Motion for Reconsideration on June 24, 2024, which was denied by the Court on August 1, 2024.

2024 Court of Appeals Reversals

1. ***[Employee] v. D.C. Metropolitan Police Department, et al., Case No. 19-CV-1266*** – Employee challenged a Superior Court’s order reversing OEA’s ruling that Agency failed to provide notice of the proposed adverse action within ninety days, as required by D.C. Code § 5-1031(a-1) (Repl. 2015). In its ruling, the Court noted that the District of Columbia Council had since repealed the 90-day rule by way of the Comprehensive Policing and Justice Reform Amendment Act of 2022, D.C. Law 24-345, §§ 117 (a) and § 301(b), 70 D.C. Reg. 953 (April 21, 2023). It went on to explain that the repeal of the rule was made retroactive to any pending matters before any court or adjudicatory body. As a result, the Court of Appeals found that because the Council repealed the 90-day rule provision and because the repeal is retroactive to any matter pending before the court, required it to affirm the Superior Court decision to uphold the termination. It reasoned that although D.C. Law 24-345 § 301(b) did not become law until after the OEA decision was issued, it was nevertheless required to obey the law’s commands.
2. ***[Employee] v. D.C. Office of Employee Appeals, Case No. 22-CV-0220*** – The Court agreed with OEA’s finding that Employee’s fifteen-day suspension was not supported by the record and should be reversed. However, it found that the AJ’s findings as to the two charges resulting in the twenty-day suspension would have supported a reduction in the penalty because Agency could only substantiate one of the two charges. The Court provided that despite neither party requesting it, the AJ also considered *sua sponte* Employee’s conduct related to another altercation, from which the Trial Board previously acquitted Employee. It ruled that OEA lacked jurisdiction over the charges stemming from the unrelated altercation upon which the AJ relied to uphold the twenty-day suspension. Further, the Court opined that the AJ’s decision to uphold the unrelated inefficiency charge did not flow rationally from the facts and was therefore not supported by substantial evidence. Consequently, it affirmed the reversal of the fifteen-day suspension and reversed Employee’s twenty-day suspension.

2025 Superior Court Remands

1. ***[Employee] v. Department of Forensic Sciences and D.C. Office of Employee Appeals, Case No. 2024-CAB-000343*** – The Court ruled that substantial evidence did not support OEA’s conclusion that Agency met the deadline for placing Employee on the Agency Reemployment Priority Program (“ARPP”) list. It disagreed with Agency’s argument that the Reduction-in-Force (“RIF”) notice sent to employees, coupled with two emails regarding Employee’s placement on the ARPP list, demonstrated that it complied with D.C. Code § 1-624.02(a)(3). The Court reasoned that there was no evidence provided to support a finding that Agency complied with E-DPM Instruction Nos. 8-69, 9-36, 36-11, and DCMR 6-B § 2427.5, to give priority reemployment to RIFed employees by placing them on the ARPP list prior to the effective date of separation. Therefore, it remanded the matter OEA to determine the date that Employee was placed on the ARPP list.

Additionally, the Court was unable to determine whether Agency’s delay in placing Employee on the ARPP list constituted a harmless error because the record did not establish that there were no vacancies at Agency during the RIF notice period between September 22, 2021, and October 22, 2021. It explained that if the AJ determines that Employee was not placed on the ARPP list by September 22, 2021, OEA must determine whether any vacancies that Employee should have received priority consideration for existed at Agency during the RIF notice period. Further, the Court ruled that D.C. Code § 1-624.02(a)(3) does not limit priority considerations for employees separated by a RIF to their lesser competitive area when the agency has abolished all positions in that area. Thus, it instructed OEA to consider all Agency vacancies when addressing the issues on remand.

2025 Superior Court Reversals

1. ***D.C. Fire & Emergency Medical Services Department v. D.C. Office of Employee Appeals, Case No. 2023-CAB-003933*** – In this matter, the Court held that Agency correctly relied on the 2012 DPM in accordance with Article VII of Agency’s Order Book, which represented the disciplinary system bargained for by Agency and Employee’s union, Local 36. It went on to describe how Local 36’s statements regarding any changes to the Collective Bargaining Agreement related to disciplinary charges only constituted a request to bargain. The Court further reasoned that the record was void of any facts indicating that such bargaining occurred, or that Local 36 subsequently approved a later version of the DPM to be used to discipline employees. Therefore, it concluded that the AJ’s reliance on the 2019 DPM was not supported by substantial evidence. Consequently, the Initial Decision was reversed, and Employee’s termination was upheld.

38. Please explain how cases are assigned to each administrative judge. Are cases divided equally, by subject matter, or by an alternative method?

ANSWER:

The Executive Director assigns cases to the Administrative Judges. Each judge is required to file with the Executive Director a report each month detailing the number of cases on their docket, when they were assigned the appeal, the status of the case, and when they project that a decision will be issued. Taking into account all this information, the Executive Director determines who will be assigned to a case.

39. What was the caseload for each administrative judge in FY 2024 and FY 2025, to date?

ANSWER:

Fiscal Year 2024

Administrative Judge	Caseload
Administrative Judge Curtis	9
Sr. Administrative Judge Dohnji	13
Sr. Administrative Judge Harris	15
Administrative Judge Hochhauser (PT)	15
Sr. Administrative Judge Lim	11
Sr. Administrative Judge Robinson	17

Fiscal Year 2025-to-date

Administrative Judge	Caseload
Administrative Judge Curtis	13
Sr. Administrative Judge Dohnji	13
Sr. Administrative Judge Harris	13
Administrative Judge Hochhauser (PT)	16
Sr. Administrative Judge Lim	17
Sr. Administrative Judge Robinson	18

40. Please provide examples of management rights issues OEA frequently encounters, along with a copy of 1-2 preexisting opinions on the matter, if applicable.

ANSWER

Management rights are outlined in D.C. Code § 1-617; issues under this Code section are typically decided by the Public Employee Relations Board. The issues that OEA frequently encounter on appeal are adverse actions. Adverse actions account for approximately seventy (70) percent of OEA's docket. There are a few adverse action matters decided by OEA which involve collective bargaining agreements that discuss management rights. Sample decisions are included in **Attachment # 20**.

C. Agency Disputes and Evaluations

41. Please provide the number of cases or complaints against an agency in FY2024 and FY 2025.

ANSWER:

Agency name	Number of cases filed against agency	Number of cases filed against agency
	FY2024	FY2025
D.C. Department of Behavioral Health	1	0
D.C. Fire and Emergency Medical Services	15	2
D.C. Child and Family Services Agency	0	1
D.C. Public Schools	22	2
Department of Buildings	1	1
Department of Corrections	7	2
Department of Employment Services	2	0
Department of For-Hire Vehicles	2	0
Department of Banking and Financial Institutions	1	0
Department of Transportation	7	0
Department of Youth Rehabilitation Services	5	0
Metropolitan Police Department	13	3
Office of Contracting and Procurement	1	0
Department of General Services	1	0
Office of the Attorney General	1	0
Office of Unified Communications	2	0
Office of Neighborhood Safety and Engagement	1	0
Department of Motor Vehicles	2	0
Department of Health	1	0
Department of Public Works	2	1
Office of the Chief Medical Examiner	1	0
Office of the Inspector General	1	0
Office of the State Superintendent of Education	2	0
D.C. National Guard	0	1
Department of Environment	0	1
Department of Housing and Community Development	0	1
Office of the Chief Technology Officer	0	3
Rental Housing Commission	0	1

42. Please list in chronological order any grievances or complaints against or regarding the agency or any of its personnel, that were filed by any District government employee in FY2024 and FY2025. Include complaints filed in any forum, including with other District agencies; complaints on any matter, including human resources, personnel, sexual harassment, financial, or other matters; and complaints filed against a current agency employee related to their employment at the agency, or related to any previous employment at another District agency. Include on the list any earlier grievance that is still pending in any forum, including review by another District agency. For each grievance or complaint, provide the following:

- a. Agency name and office of the complainant at the time the matter occurred.
- b. Name of the forum or agency to which the complaint was filed.
- c. Whether the complaint concerns a colleague or supervisor.
- d. Brief description of the matter and the current status.
- e. Response to the complaint or grievance, including any disciplinary action taken and any changes to agency policies or procedures.
- f. For any complaint or grievance that was resolved in FY2024 and FY2025, as of Jan. 1, 2025, describe the resolution or outcome.

ANSWER:

There were no grievances or complaints filed against, or regarding, OEA or any of its personnel by any District government employee or former employee in FY2024 or FY2025-to-date.

43. Please list all recommendations identified by the Office of the Inspector General, DC Auditor, or other federal or local oversight entities during FY2024 and FY 2025, to date about OEA. Please provide an update on what actions have been taken to address each recommendation. If the recommendation has not been implemented, please explain why.

ANSWER:

There are no recommendations identified by the Office of the Inspector General, D.C. Auditor, or other federal or local oversight entities during FY2024 and FY2025.

D. Training & Development

44. Please provide a list of each training by date, along with the topic, agencies in attendance, the number of attendees, and whether the training was in person or remote. Indicate whether the training was recorded and posted to OEA's website or YouTube channel for FY 2024 and FY 2025.

ANSWER:

In the past, OEA conducted information sessions for agencies who expressed an interest in the work of OEA. These sessions consisted of a power point presentation to give an overview of how an appeal filed with OEA eventually culminates in an Initial Decision and an Opinion

and Order on Petition for Review. These sessions were not recorded nor were they posted to OEA's website. OEA does not have a YouTube channel.

45. What training or professional development opportunities does OEA offer their administrative staff, attorneys, and board members? If any trainings were hosted, or CLEs/conferences attended in FY 2024 or FY 2025, please list the topic and date attended.

ANSWER:

See Attachment #13. With respect to board members, OEA hosts an Annual Board Member Appreciation and Recognition Luncheon every October. These luncheons provide an opportunity for the agency to inform incoming board members (if there are any) of how meetings are conducted and what they can expect in their role as a board member and to answer any questions they may have.