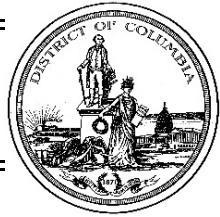

OFFICE OF AT-LARGE COUNCILMEMBER ANITA BONDS
CHAIR, COMMITTEE ON EXECUTIVE ADMINISTRATION & LABOR



January, 13, 2026

Executive Director Sheila Barfield
Office of Employee Appeals
955 L'Enfant Plaza, SW, Suite 2500
Washington, DC 20024

Dear Executive Director Barfield:

The annual performance hearing for the Office of Employee Appeals is scheduled for **Wednesday, February 4, 2026, 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 28, 2026**.

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, Committee Director at jelican@dccouncil.gov or (202)-741-0918. Thank you in advance for your timely and comprehensive response.

Sincerely,
Anita Bonds

A handwritten signature in black ink, appearing to read "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)

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I. Standard Questions

A. Governance and Personnel

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 FY25, OEA's Paralegal Specialist assigned to the Administrative Judge's unit and its part-time Administrative Judge voluntarily resigned from the agency.

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. The 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 currently detailed to or from your agency. For each detailed employee, include:
 - a. The reason for the detail;
 - b. The job duties if detailed to your agency;
 - c. The start date of detail;
 - d. The agency the employee is detailed to/from; and
 - e. The 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 FY25 and Q1 of FY26;
 - 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 FY25 and Q1 of FY26;
 - d. A list of travel expenses, arranged by employee for FY25 and Q1 of FY26, including the justification for travel; and
 - e. A list of the total workers' compensation payments paid in FY25 and Q1 of FY26, 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 FY25 or Q1 of FY26.

5. Please list all memoranda of understanding ("MOU") entered into by your agency during FY25 and Q1 of FY26, 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 #4.

6. Does the agency have independent contracting authority? If so, please provide a chart detailing the active contracts the agency entered, the date the contract was entered into, dollar amount, contracting entity, contract expiration date, purpose, and option years.

ANSWER:

OEA does not have independent contracting authority. Instead, the agency collaborates with the Office of Contracting and Procurement (OCP) to secure the vendors it needs.

7. Please provide a complete, up-to-date list of contract workers working directly for your agency, ordered by program and activity, and including the following information for each position:
 - a. Title of position;
 - b. Indication that the position is filled or vacant;
 - c. Date employee began in the position;
 - d. Whether the position must be filled to comply with federal or local law;
 - e. If applicable, the federal or local law that requires the position be filled;
 - f. The entity from which they are contracted; and
 - g. The contracted annual cost.

ANSWER:

OEA does not employ contract workers.

8. Please provide, for each month of FY25 and Q1 of FY26, the net number of personnel separated from and hired to the agency.

ANSWER:

OEA had two staff separations during FY25. Monyea Briggs (Paralegal Specialist) resigned from the agency on April 25, 2025, to seek employment closer to her home, and Lois Hochhauser (Administrative Judge) resigned from the agency on June 13, 2025, after having worked with the agency for over 25 years. No personnel have separated from or been hired to the agency in Q1 of FY26.

B. Government Operations

9. Please provide a list of programs, initiatives, activities conducted by the agency in FY 25 to support the Mayor's Grow DC plan.

ANSWER:

OEA did not have any programs or initiatives, nor did it conduct any activities in FY25 to support the Mayor's Grow DC plan.

10. Please provide a chart of agency programs conducted during FY25. 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 #5.

11. Please provide a chart showing the agency's program priorities for FY25 and FY26. 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 #6.

12. Please provide a copy of your agency's approved FY26 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 #7. OEA's performance plan does not include information regarding anticipated FTE allocation and expenditure.

13. Please provide a copy of the agency's FY25 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 #8. Key performance indicators that were met are listed within OEA's FY25 Performance Accountability Report. The report was not filed with any other government agency.

14. Describe problems and challenges, including chronic maintenance issues and design flaws, in agency-owned or leased facilities.

ANSWER:

OEA leases office space at 955 L'Enfant Plaza, SW, Suite 2500. The lease went into effect in 2017 and is up for renewal in 2027. The building's management changed to its current manager approximately two years ago. Since that time, OEA has faced intermittent challenges with the heating and cooling systems as well as occasional elevator outages. The management company responds promptly to the agency's requests for service. Despite these challenges, OEA believes this location continues to be the best location for the agency due to its ease of accessibility via several Metro lines that converge here.

15. Please provide the following information regarding capital projects:

- a. A list of all capital projects in the financial plan.
- b. For FY23, FY24, FY25, and Q1 of FY26 an update on all capital projects under the agency's purview, including a status report on each project, an explanation of any delays, 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 FY26, FY27, FY28, and FY29.

ANSWER:

OEA has no capital projects.

16. A description of whether the capital projects begun, in progress, or concluded in FY23, FY24, FY25, or Q1 of FY26, had an impact on the operating budget of the agency. If so, please provide an accounting of such impact.

ANSWER:

OEA has no capital projects.

17. What capital or operating projects arose from these issues in FY25 and FY26, including cost and actions taken?

ANSWER:

OEA currently has no active capital projects. However, the agency is partnering with OCTO to implement a fully functional e-filing system, estimated at \$300,000. This upgrade is critical to improving case management efficiency, reducing processing times, and enhancing service delivery for District employees and agencies. While the FY26 enhancement request was not approved and there is no request opportunity for FY27, OEA plans to submit a formal funding request in the FY2028/2029 budget cycle. Once implemented, this system will streamline workflows, increase transparency, and support OEA's mission to resolve cases promptly and effectively.

18. Please provide the number of FOIA requests for FY25 and Q1 of FY26, 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 #9.

19. 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 FY25 and Q1 of FY26, if minutes were prepared. Please inform the Committee if the board or commission did not convene during any month.

ANSWER:

See Attachment #10.

Member's Name	Confirmation Date	Term Expiration Date	District Resident? (y/n)	Ward	FY25 Attendance	Q1 FY26 Attendance
Dionna Maria Lewis (Term Expired)	02/11/2019	04/06/2025	Yes	Ward 7	01/16/2025 03/06/2025 04/24/2025 05/29/2025 08/07/2025 09/18/2025	
Pia Winston	02/04/2025	04/06/2030	Yes	Ward 7	03/06/2025 08/07/2025 09/18/2025	11/06/2025 12/18/2025
Arrington L. Dixon	11/09/2023	04/06/2029	Yes	Ward 8	01/16/2025 03/06/2025 04/24/2025 05/29/2025 08/07/2025	11/06/2025 12/18/2025
Jeanne Moorehead	10/29/2024	04/06/2030	Yes	Ward 1	01/16/2025 03/06/2025 04/24/2025 05/29/2025 08/07/2025 09/18/2025	11/06/2025 12/18/2025
LaShon Adams	10/29/2024	04/06/2030	Yes	Ward 8	01/16/2025 03/06/2025 04/24/2025 05/29/2025 08/07/2025 09/18/2025	11/06/2025 12/18/2025
Vacant Position	Vacant	Vacant	Vacant	Vacant	Vacant	Vacant

20. 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 #11.

21. Please describe the agency's customer feedback and public engagement. How does the agency solicit feedback from members of the public (i.e., District residents served)? What has the agency learned from this feedback?

ANSWER:

OEA occasionally receives customer feedback through its email account and in person when agency representatives or employees visit the office to file documents or to attend proceedings. Even though OEA does not solicit feedback from members of the public, when feedback is received, OEA welcomes it and uses it to strengthen existing programs and improve its operations where necessary.

C. Data

22. In filterable and sortable spreadsheet, please list all electronic databases maintained by your agency, including the following:

- a. A detailed description of the information tracked within each system;
- b. The age of the system and any discussion of substantial upgrades that have been made or are planned to the system; and
- c. Whether the public can be granted access to all or part of each system.

ANSWER:

OEA's current database is a manual system developed and managed by OCTO that allows the agency to store and manage all cases in an electronic format by scanning and uploading paper-based documents throughout the case lifecycle into the case tracking system. Before the 2017 OCTO system upgrade, the database was 100% manually operated, with only basic storage and retrieval functionality. After the 2017 upgrade (costing approximately \$230,000), approved users can view case filings in an electronic format (PDF-compatible) from anywhere with secure system access. In addition, we have multiple reporting options that the agency can run to generate valuable data to aid decision-making, report to external parties, and make all decisions public via the agency's website portal.

Currently, OEA is collaborating with OCTO to upgrade the case-tracking system to enable full electronic filing, thereby significantly improving operational efficiency and service delivery. Moving to a fully electronic filing system will remove paper processes and speed up case handling through automation. The new system will make access easier for all users and keep information secure, meeting all legal requirements. This upgrade will cut administrative costs, reduce errors, and improve productivity, delivering a strong return on investment. It will also reduce risks such as data breaches and compliance issues, protecting OEA from legal and financial problems. Built to grow, the system will support future needs and help OEA stay efficient and innovative.

When the new e-filing system is fully functional, only authorized and registered users will be granted access via the online portal. In this regard, OEA submitted a budget enhancement request in FY2026 to upgrade the current database at a cost of approximately \$253,000, which was not approved due to the district government's current financial constraints. We have since split the project into two phases over two budget cycles, which, in our opinion, is the best approach given our current financial situation. However, we are not able to submit any budget enhancement in the FY27 cycle, but we are hopeful that we can submit in the FY28 budget cycle.

23. Provide a list of all publications, brochures and pamphlets prepared by or for the agency during FY25 and Q1 of FY26. Please provide copies.

ANSWER:

No publications, brochures, or pamphlets were prepared by or for the agency during FY25 or Q1 of FY26.

24. Please provide a list of all studies, research papers, reports, and analyses that the agency prepared or contracted for during FY25 and Q1 of FY26. Please state the status and purpose of each. Please submit a hard copy to the Committee if the study, research paper, report, or analysis is complete.

ANSWER:

OEA had no studies, research papers, reports or analyses prepared or contracted for during FY25 or Q1 of FY26.

D. Laws, Audits, and Reports

25. Please list any legislation that impacts your agency from the prior two fiscal years and provide a status report on the agency's implementation related to each piece of legislation.

ANSWER:

There has been no legislation from the prior two fiscal years that has impacted OEA.

26. Please identify any legislative changes that would enable the agency to better meet its mission.

ANSWER:

OEA's mission is to adjudicate appeals filed by District government employees and render impartial, legally sound decisions. OEA believes that legislation to specifically provide that OEA has jurisdiction over term employees whose term has not expired at the time of filing their Petition for Appeal would eliminate that jurisdictional argument so that the merits of the appeal could be considered more expeditiously. Moreover, OEA believes that legislation granting it jurisdiction over grievances and requiring that those grievances be mediated would benefit the District government by providing its agencies and employees with access to certified mediators who would aid the parties in reaching a mutually acceptable solution without a court-imposed judgment.

27. 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 section 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 question #49 and #53 for the outcome of cases. OEA assigns appeals to its Administrative Judges within one business day of when it receives the answer from the agency for which the employee worked. As a result, OEA has no backlogged/unassigned cases. Residency requirement information is contained within OEA's Schedule A which has been provided in answer to question #2.

28. Please list all pending lawsuits in which the agency, or its officers or employees acting in their official capacities, are named as defendants, and for each case provide the following:

- a. The case name;
- b. Court where the suit was filed;
- c. Case docket number;
- d. Case status; and
- e. A brief description of the case

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.

29. Please list the total amount of money the agency or the District, on behalf of the agency, expended to settle claims against it, or its officers or employees acting in their official capacities, in FY 25 and FY 26, to date.

ANSWER:

There was no money that OEA or the District, on behalf of OEA, expended to settle claims against the agency, its officers, or employees in FY25 or FY26-to-date.

30. Please list each settlement the agency or the District, on behalf of the agency, entered into in FY 25 and FY 26 to date that involved claims against the agency, or its officers or employees in their official capacity, including any settlements covered by D.C. Code § 2-402(a)(3). For each settlement, provide:

- a. The amount of the settlement;
- b. If related to litigation, the case name and brief description;
- c. If unrelated to litigation, please describe the underlying issue or reason for the settlement (e.g. administrative complaint, etc.).

ANSWER:

There was no settlement that OEA, or the District on behalf of OEA, entered into in FY25 and FY26 to date that involved the agency, its officers, or employees.

31. Please describe the agency's procedure for handling allegations of workplace harassment during FY25 and Q1 of FY26. Indicate the following:

- a. Date of offense;
- b. Whether the parties report to the same supervisor;
- c. The findings of substantiation or non-substantiation; and
- d. What official action was taken.

ANSWER:

OEA did not receive any workplace harassment claims during FY25 or Q1 of FY26. In accordance with Mayor's Order 2023-131, OEA maintains a zero-tolerance policy for workplace harassment or misconduct committed by or against its employees. Incidents of harassment should promptly be made to an OEA supervisor, manager, or EEO officer. The designated personnel will immediately begin the investigation process; conduct interviews to gain a better understanding of the facts; and gather documents and other pertinent evidence. If the investigation substantiates the claim of workplace harassment, then the designated personnel shall address the behavior using the progressive discipline system established in Chapter 16 of the District Personnel Manual.

32. Please describe the agency's handling of sexual harassment claims received during FY25 and Q1 of FY26. 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 did not receive any sexual harassment claims during FY25 or Q1 of FY26. In accordance with Mayor's Order 2023-131, OEA has developed a policy for reporting and investigating allegations of sexual harassment or misconduct committed by or against its employees. Once the designated SHO has received a complaint of sexual harassment, the investigation process will begin immediately. The SHO will define the scope of the investigation; recommend immediate action if necessary; conduct interviews to gain a better understanding of the facts; and gather documents and other pertinent evidence. After concluding the investigation, the SHO will evaluate the evidence and issue a written investigative report and recommendation to the OEA Executive Director. After reviewing the SHO's recommendation, the Executive Director will issue a Notice of Findings and Conclusions. The notice will be provided to the Mayor's Office of Legal Counsel ("MOLC"), the complainant, and the alleged harasser. If it has been determined that

misconduct has occurred, OEA's General Counsel will ensure that prompt administrative action is taken.

33. Please list all administrative complaints or grievance received in FY 25 and Q1 of FY26.

Indicate the following:

- a. The nature of the complaint;
- b. The review procedure followed; and
- c. The resolution of the complaint.
- d. Whether or not the employee(s) complaint was resolved by moving to a different workspace, and or supervision.

ANSWER:

There were no administrative complaints or grievances received in FY25 or Q1 of FY26.

34. Please list all investigations, audits, or reports on your agency or any employee of your agency conducted in FY25 and Q1 of FY26. Include copies of any concluded reports and indicate the anticipated date of conclusion for any ongoing reports.

ANSWER:

There have been no investigations, audits, or reports on OEA or any OEA employee conducted in FY25 and Q1 of FY26.

35. Please list all requests for information submitted to the agency in FY 24, FY 25 and Q1 of FY26 by the Office of the Inspector General; D.C. Auditor; Internal audit; and any other federal or local oversight entities. For each request, please indicate:

- a. The subject of the request;
- b. The requesting agency;
- c. The date received;
- d. The information was supplied; and
- e. Whether the information was supplied by the date request. If information was not timely supplied, please indicate the reason for any delays.

ANSWER:

On February 4, 2025, the Office of the D.C. Auditor asked OEA whether the "D.C. government tried to extract lessons from OEA cases that go against the agencies so that it can better train people to avoid these situations in the future." OEA provided that it does not follow-up with agencies once it issues a decision.

Other than the aforementioned request, there were no other requests for information submitted to OEA during the relevant time period.

36. 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 currently in effect for OEA employees.

37. Is the agency currently party to any active non-disclosure agreements? If so, please provide all allowable information on all such agreements, including:

- a. The number of agreements;
- b. The department(s) within the agency associated with each agreement; and
- c. Whether any agreements are required for specific positions (please list each position by division and program and indicate whether the position is contracted).

ANSWER:

OEA is not currently party to any active non-disclosure agreements.

38. Please include a chart of FY25 employee evaluation rating showing the employee's job title, duties/responsibilities, classification grade, salary, date of employment, and FY25 evaluation rating. Also, please identify if the employee has been separated from the agency during FY25 or Q1 of FY26.

ANSWER:

See Attachment #12.

E. Finance and Budget

39. Please provide a table showing your agency's Council-approved original budget, revised budget (after reprogramming, etc.), and actual spending, by program and activity, for FY25 and Q1 of FY26.

- 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 FY25 and Q1 of FY26 for each program and activity code.
- c. Attach the cost allocation plans for FY25 and FY26.
- d. In FY25 and Q1 of FY26, 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 #13.

40. For FY25 and Q1 of FY26, please list all intra-District transfers to or from the agency.

ANSWER:

See Attachment #14.

41. For FY25 and Q1 of FY26, 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:

There are no special purpose revenue funds maintained by, used by, or available for use by OEA.

42. Please fill out the attached spreadsheet titled “Grants Received,” and list all federal and/or private grants received by your agency in FY25 and Q1 of FY26, current balances, and indicate any that lapsed during or at the end of FY25. Please submit the completed document in both Excel and PDF formats, and ensure to include 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:

OEA does not receive federal or private grants.

43. Please provide a status report, including timeframe of completion, for all projects for which your agency currently has capital funds available.

ANSWER:

OEA does not currently have any projects for which capital funds are available.

44. Please list all budget enhancement requests (Form B or similar) submitted in FY25 and Q1 of FY 26 and all budget enhancements received in FY25 and Q1 of FY26, please provide a status report on the implementation of each enhancement.

ANSWER:

See Attachment #15.

II. Agency Specific Questions

A. General Agency and Personnel Header

45. Please describe any operational changes the agency has gone through in 2025 through January 1, 2026. Specifically, please note whether there have been:

- a. Any organizational structure changes.
- b. Whether the agency expanded in FTEs, please provide the number of current FTEs and the number of FTEs from 2024.
- c. Whether the agency experienced any changes in its caseload, please detail the trend and when the changes occurred.
- d. Any additional changes not noted above.

ANSWER:

OEA experienced an organizational structure change when the Paralegal Specialist assigned to the Administrative Judge's unit, and when its part-time Administrative Judge resigned from the agency in Q3 of FY25. OEA has not expanded in FTEs. Currently, OEA has twelve (12) FTEs. In FY24, OEA had 12.5 FTEs. With respect to the changes in its caseload, please see the YoY case filing chart below:

Fiscal Year	Q1	Q2	Q3	Q4	Total
2022	32	14	13	24	83
2023	20	17	11	26	74
2024	16	23	23	29	91
2025	15	17	20	30	82
2026	21	9			30

46. Were any employees on administrative, extended, or paid family leave in FY2025 or FY2026. If so, how many, what was the length of time, and how long have they been employed with the agency?

ANSWER:

During FY25–FY26 Q1, one OEA employee utilized Paid Family Medical Leave (PFMLA) for an approved period of 40 days (320 hours). The employee has served the agency for 14 years to-date.

B. Caseload

47. Please provide a breakdown of complaint types brought to OEA for resolution in 2025 and detail the frequency of claim type.

ANSWER:

Case Type	Frequency
Removal	48
Reduction-in-Force	5
Jurisdiction	19

Suspension ³	6
Enforced Leave	4

48. Have any employees, unions or labor organizations informally or formally submitted complaints about OEA's handling of its caseload in 2025?

ANSWER:

There have been no formal or informal complaints about OEA's handling of its caseload from employees, unions, or labor unions in FY25.

49. Please provide a breakdown of OEA cases and decisions from FY 2024 through FY 2026, including number of complaints or cases filed, complaints dismissed, decisions issued, settled cases, withdrawn cases, appealed cases, decisions overturned or remanded on appeal.

ANSWER:

³ This number includes indefinite suspensions.

OEA Cases and Decisions, FY25 through FY25

	FY25	FY26
Number of complaints or cases filed (Petitions for Appeal)	82	26
Average Number of days to review Petitions for Appeal ⁴	1	1
Number of decisions issued (Initial Decisions)	95	35
Number of cases upheld (Initial Decisions)	31	11
Number of cases dismissed (Initial Decisions)	41	17
Number of cases reversed (Initial Decisions)	6	3
Number of cases denied (Initial Decisions)	0	0
Number of cases settled (Initial Decisions)	12	1
Number of cases involving attorney's fees (Initial Decisions)	3	1
Number of petitions for enforcement/compliance (Initial Decisions)	2	2
Number of cases withdrawn (Initial Decisions) ⁵	20	5
Average Number days to issue Initial Decisions	244	216
Number of complaints or cases filed (Petitions for Review)	15	8
Average Number days to issue decisions on Petitions for Review	114	75
Number of decisions issued (Opinions and Orders)	22	8
Number of cases granted (Opinions and Orders)	0	0
Number of cases dismissed (Opinions and Orders)	0	0
Number of cases reversed (Opinions and Orders)	2	2
Number of cases denied (Opinions and Orders)	14	5
Number of cases settled (Opinions and Orders)	0	0
Number of cases remanded (Opinions and Orders)	6	1
Number of cases involving attorney's fees (Opinions and Order)	1	0
Number of petitions for enforcement/compliance (Opinion and Orders)	1	0
Average Number of days to issue Opinions and Orders	114	75
Number of decisions appealed (total)	16	7
• DC Superior Court	9	5
• DC Court of Appeals	7	2
• Average Number of Days for Superior Court Decisions on Appeal	397 ⁶	N/A
• Average Number of Days for Court of Appeals Decisions on Appeal	126 ⁷	N/A

⁴ This number denotes the average number of business days for OEA to review an appeal and send a request for Agency to file an answer to the Petition for Appeal.

⁵ The outcome of appeals that were withdrawn are reflected in those matters that were dismissed.

⁶ This number denotes the average number of calendar days for the Superior Court to issue a decision from the date of appeal until the date of the final court order. Please note that only two of the nine appeals have been decided by the Superior Court thus far.

⁷ This number denotes the average number of calendar days for the Court of Appeals to issue a decision from the date of appeal until the date of the final order. Please note that only one of the seven appeals have been decided by the Court of Appeals thus far.

Number of pending appeals (total)	13	7
• DC Superior Court	7	5
• DC Court of Appeals	6	2
Number of OEA decisions overturned or remanded on appeal (total)	3	3
• DC Superior Court (reversal)	1	0
• DC Superior Court (remand)	1	3
• DC Court of Appeals (reversal)	1	0
• DC Court of Appeals (remand)	0	0
Number of OEA decisions upheld on appeal (total)	26	8
• DC Superior Court	17	3
• DC Court of Appeals	9	5

50. Are attorney fees ordered in all matters? In what circumstances are attorney's fees ordered compared to when they are waived?

ANSWER:

An employee is entitled to the award of reasonable attorney fees if he or she is the prevailing party and the award is warranted in the interest of justice. An employee is considered the prevailing party if they received all or a significant part of the relief sought as a result of the Initial Decision. OEA does not maintain records that track the circumstances under which attorney's fees are ordered compared to when they are waived.

51. How much was collected in attorney's fees in 2025? Please provide two totals, one for complainants, the other for respondents.

ANSWER:

In FY 2025, OEA was able to determine that \$20,027.06 in attorney's fees was awarded to the complainants (employees). However, OEA is not privy to attorney's fees amounts negotiated in those matters that were settled because the parties resolved the attorney's fees issue without a decision from the Administrative Judge. No attorney's fees were awarded to the respondents (agencies), as Agency counsels are District government employees compensated through an annual salary.

No.	Case Name	Case Number	Attorney's Fees Award
1.	Victor McKoy v. Department of Employment Services	1601-0053-22AF23	\$17,807.81
2.	John Dews v. D.C. Department of Public Works	1601-0023-22AF23	\$2,219.25
3.	Craig Royal v. Metropolitan Police Department	1601-0008-16R24C24	Settlement

4.	Craig Royal v. Metropolitan Police Department	1601-0046-17R24C24	Settlement
5.	Jeffrey Canady v. D.C. Public Schools	1601-0015-20-AF24-R24	Settlement
Total			20,027.06

52. Please provide the number of cases or complaints against an agency in 2025, if an agency is not listed below, please add.

Agency name	Number of cases filed against agency
	2025
Child and Family Services Agency	1
Commission on Arts and Humanities	1
Commission on Judicial Disabilities and Tenure	1
Commission on Rental Housing	1
D.C. Fire and Emergency Medical Services	5
D.C. Public Schools	25
D.C. National Guard	1
Department of Behavioral Health	1
Department of Buildings	1
Department of Corrections	6
Department of Employment Services	1
Department of Environment	1
Department of General Services	1
Department of Health	1
Department of Housing and Community Development	1
Department of Human Resources	1
Department of Human Services	2
Department of Motor Vehicles	1
Department of Parks and Recreation	1
Department of Public Works	3
Department of Transportation	1
Department of Youth Rehabilitation Services	3
Metropolitan Police Department	13
Office of the Attorney General	1
Office of the Chief Financial Officer	1
Office of the Chief Technology Officer	2
Office of the State Superintendent of Education	1
Office of Unified Communications	1
University of the District of Columbia	3

53. Please provide a narrative description explaining each decision that was reversed or remanded by Superior Court or the Court of Appeals in 2025 through January 1, 2026. Please attach a copy of any opinion issued with the remand or reversal.

ANSWER:2025 Superior Court Remands

1. ***Elizabeth Marso v. Department of Forensic Sciences and D.C. Office of Employee Appeals, Case No. 2024-CAB-000343 (Attachment #16)*** – 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 Employee, 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 provide priority reemployment to RIFed employees by placing them on the ARPP list prior to the effective date of separation. Therefore, it remanded the matter to 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 OEA Administrative Judge (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 positions that 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 in 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 (Anthony Thomas), Case No. 2023-CAB-003933 (Attachment #17)*** – In this matter, the Court held that Agency correctly relied on the 2012 District Personnel Manual (DPM) in accordance with Article VII of Agency's Order Book, which represented the disciplinary system bargained for by Agency and Local 36. It explained that Local 36's statements regarding any changes to the Collective Bargaining Agreement related to disciplinary charges only constituted a request to bargain. The Court 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.

2025 Court of Appeals Reversals

1. ***Samuel Murray v. Department of Youth Rehabilitation Services, Case No. No. 23-CV-0082 (Attachment #18)*** – During compliance proceedings for this matter, the AJ ruled that OEA had the authority to award interest on back-pay and ordered Agency to pay Employee prejudgment interest. The Superior Court reversed the AJ's holding because it concluded that OEA did not have jurisdiction to grant interest on the back-

pay award under D.C. Code § 1-606.03(c). On petition for review, the Court of Appeals found that because Employee requested prejudgment interest over three months after the back-pay award became final, he was essentially requesting that the AJ amend the back-pay award. The Court reasoned that the request for prejudgment interest did not fall within province of D.C. Code § 1-606.03(c) for matters over which OEA retains jurisdiction after an award has been issued, which includes correction of the record, attorney's fees, and enforcement of an award. Consequently, it affirmed the Superior Court's ruling reversing OEA.

2026 Superior Court Remands

1. ***Cody Elder v. Department of Forensic Sciences, Case No. 2024-CAB-000337 (Attachment #19)*** – The Court ruled that the establishment of a lesser competitive area was proper in this RIF matter. Additionally, it found that Agency properly considered job sharing and reduced hours. However, it opined that Agency did not meet its obligation to consider Employee for priority reemployment, and it failed to timely place him on the ARPP list. Accordingly, the matter was remanded to OEA to determine whether Employee was placed on the ARPP list for priority reemployment consideration by September 22, 2021; whether Employee was given priority consideration for any vacancies that existed at Agency during the RIF notice period between September 22, 2021, and the date Employee was placed on the ARPP list; and whether there were any vacancies at Agency for which Employee was qualified but not given priority consideration.
2. ***Laketa Bailey v. Department of Forensic Sciences, Case No. 2024-CAB-000393 (Attachment #20)*** – The Court concluded that OEA failed to determine if the Firearms Examination Unit was appropriately designated as a lesser competitive area pursuant to DPM § 2409.4. Additionally, it did not find that the Initial Decision was based on substantial evidence regarding OEA's ruling that Employee was placed on the ARPP lists. As a result, the Court remanded the matter to OEA to determine whether Employee was placed on the ARPP list for priority reemployment by the RIF notice date of September 22, 2021; whether Employee was given priority reconsideration for vacancies within the entirety of Agency during the period between the RIF notice date and the date Employee was placed on the ARPP list; and whether there were any vacancies for which Employee was qualified but not given priority consideration.
3. ***Kim Brittingham v. Department of Forensic Sciences, Case No. 2024-CAB-000336 (Attachment #21)*** – In this matter, the Court held that because OEA failed to determine whether the Firearms Examination Unit was appropriately designated as the lesser competitive area pursuant to DPM section 2409.4, the Court was unable to determine whether OEA's finding that Employee was not entitled to one round of lateral competition under the RIF flowed rationally from the facts. Therefore, the matter was remanded to OEA to determine whether Employee was placed on the ARPP list for priority reemployment by the RIF notice date of September 22, 2021; whether Employee was given priority reconsideration for vacancies within the entirety of Agency during the period between the RIF notice date and the date Employee was

placed on the ARPP list; and whether there were any vacancies for which Employee was qualified but not given priority consideration.

54. Has the agency had any reports completed or ongoing by the Office of the Inspector General, DC Auditor, or other federal or local oversight in 2025. If so, 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:

OEA has not had any reports completed or ongoing by the Office of the Inspector General, D.C. Auditor, or any other federal or local oversight in FY25.

55. The Office of the District of Columbia Auditor explained that Metropolitan Police Department terminations could be overturned through arbitration or the Office of Employee Appeals (OEA) and that there are multiple entities involved in the MPD disciplinary process. Please provide any updates on the matter.

ANSWER:

OEA has no updates to provide on this matter.

C. Court Proceedings

56. Has the agency received any safety-sensitive cases?

ANSWER:

OEA has not received any safety-sensitive cases.

57. What has the agency done to inform the public about their ability to appeal to safety-sensitive matters?

ANSWER:

Those matters which may be appealed to OEA, including safety-sensitive appeals, are listed on its website.

58. If speaking to members of the public, how would you describe the conditions in which employees could make safety-sensitive appeals?

ANSWER:

Employees can make safety-sensitive appeals in accordance with D.C. Official Code sections 1-606.03a and 1-615.03a.

59. Please list all lawsuits that name or are concerned with the agency, division, or employee of the agency (related to the employee's work) as a party, which are pending or which concluded in 2025.

- a. Provide the case name, court, where claim was filed, case docket number, current status of case, and a description of all causes of action, counts, and/or allegations in the filed complaint.
- b. Attach a copy of each complaint and any response filed by the agency or its legal representative.

ANSWER:

There are no lawsuits concerning the agency, division, or any employees of the agency which are pending or concluded in 2025.