

**IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
CIVIL DIVISION**

**DANTE DESIDERIO,**

**Plaintiff,**

**v.**

**NATIONAL CONGRESS OF AMERICAN  
INDIANS, *et al.***

**Defendants.**

**Case No. 2022 CA 2830 B  
Judge Juliet J. McKenna**

**DECLARATION OF LARRY WRIGHT, JR.**

I, Larry Wright Jr., declare as follows:

1. I am competent to testify about the matters set forth in this declaration, which are based on my personal knowledge and/or belief.
2. I am the Director of Leadership Engagement for the National Congress of American Indians (“NCAI”). I currently serve as the Interim Chief Executive Officer of NCAI. I am a member of the Ponca Tribe of Nebraska.
3. NCAI is governed by its Executive Committee, who are elected by its entire membership. The Executive Committee consists of NCAI’s President, its 1<sup>st</sup> Vice President, its Recording Secretary, and its Treasurer. Twelve Regional Vice Presidents are elected by their respective leadership.
4. Dante Desiderio (“Mr. Desiderio”) formerly served as NCAI’s Chief Executive Officer. A true and correct copy of the Employment Agreement entered into between NCAI and Mr.

Desiderio is attached to NCAI's September 2, 2022 Opposed Motion To Dismiss Or, Alternatively, To Compel Arbitration (the "Motion"), as Exhibit 2.

5. At the time Mr. Desiderio's employment with NCAI began, pursuant to NCAI's employment policies then in place, Mr. Desiderio accrued paid time off ("PTO") at a rate of 4.62 hours per bi-weekly pay period.

6. In December of 2021, under Mr. Desiderio's leadership, NCAI introduced and implemented a new policy governing PTO. Under this new policy, NCAI employees were eligible to "roll over" up to 80 hours of accrued but unused PTO as of each May 31<sup>st</sup> and December 31<sup>st</sup>, annually. Any accrued but unused PTO *in excess* of 80 hours was to be paid out to employees each year at the end of May and at the end of December. A copy of the PowerPoint presented to NCAI employees regarding this new policy is attached here as Exhibit A. In addition to the changes outlined in the PowerPoint, the new policy increased annual accrual from 15 days per year to 20 days per year, for all employees.

7. Mr. Desiderio was subject to this new PTO policy, and an accounting of Mr. Desiderio's accrual of PTO is attached to here as Exhibit B.

8. As of December 18, 2021, Mr. Desiderio had accrued 73.83 hours of PTO.

9. Beginning in January 2022, Mr. Desiderio accrued leave at a rate of 6.15 hours per pay period, per the new accrual policy. As of May 21, 2022, he had accrued a total of 146.15 hours of PTO. Accordingly, on May 27, 2022, he was paid out for all accrued hours in excess of 80 – which amounted to 66.15 hours.


10. Mr. Desiderio's pay stubs are attached here as Exhibit C, and show that, on May 27, 2022, Mr. Desiderio was paid \$8,746.16 for 66.15 hours of "vacation."

11. Mr. Desiderio continued to accrue PTO at a rate of 6.15 hours per pay period. *See* Exh. B. As of the date of his separation from NCAI, he had accrued 116.92 hours of PTO. Accordingly, his last paycheck from NCAI, dated August 15, 2022, reflects that he was paid out for the entirety of his unused PTO balance: 116.92 hours, or \$15,458.17.

12. Following the issuance of his final paycheck dated August 15, 2022, Mr. Desiderio had been compensated for each and every hour of PTO that he had accrued but not used during his employment at NCAI in accordance with NCAI policy.

I declare under penalty of perjury that the foregoing is true and correct.

Done this 2<sup>nd</sup> day of September, 2022, in Washington, DC.

DocuSigned by:  
  
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Larry Wright Jr.