



Public  
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Relations  
Board



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October 30, 2015

## MINUTES

The regular monthly meeting of PERB was held on October 29, 2015, 11:07 a.m. at PERB headquarters. Chairman Charles Murphy, presiding, and Board members Yvonne Dixon, Ann Hoffman and Keith Washington being present.

Also in attendance were Executive Director Clarene Martin, Lindsey Maxwell, Erica Balkum, Colby Harmon, Benjamin Kraft, David McFadden and Yvonne Waller.

The minutes of the last meeting were approved.

I. Public Forum:

None.

II. Docket:

- A. 09-U-34: Fraternal Order of Police/Metropolitan Police Department Labor Committee v. District of Columbia Metropolitan Police Department Unfair Labor Practice Complaint. Benjamin Kraft presented the case. A complaint was filed alleging that the Metropolitan Police Department (1) refused and failed to engage in bargaining and (2) improperly interfered with the Union's rights to participate in negotiations relating to training, time-in-grade requirements, methods of evaluating and determining qualifications for promotional examinations. Staff recommendation: To dismiss the complaint. The Board so moved. Members Dixon and Hoffman offered amendments. After discussion, the motion was adopted as amended.
- B. 11-U-01(R): Fraternal Order of Police/Metropolitan Police Department Labor Committee v. District of Columbia Metropolitan Police Department Unfair Labor Practice Complaint. Colby Harmon presented the case. The Metropolitan Police Department appealed the Board's decision to the D.C. Superior Court. The Superior Court reversed in part the Board's decisions and orders in Opinion Nos. 1388 and 1400. Staff recommendation: To vacate its decisions and orders in Opinion Nos. 1388 and 1400 and to dismiss the complaint. The Board so moved. After discussion, the motion was adopted.
- C. 12-U-05: Fraternal Order of Police/Metropolitan Police Department Labor Committee v. District of Columbia Metropolitan Police Department: Unfair Labor Practice Complaint. David McFadden presented the case. A complaint was filed

- alleging that MPD did not respond to requests for information. Staff recommendation: MPD shall timely provide information requested by the Complainant in conjunction with the administration of the parties' collective bargaining agreement. The Board so moved and the motion was adopted.
- D. 14-S-01: Alexandria Jones-Patterson and Michael Patterson v. SEIU and SEIU, Local 5000, NAGE and NAGE, Local R3-07: Standards of Conduct Complaint – Motion for Reconsideration. Erica Balkum presented the case. The Complainants filed a Motion on the grounds that the Executive Director erred in finding that the Amended Complaint was untimely. Staff recommendation: To deny the Motion for Reconsideration. The Board so moved and the motion was adopted.
- E. 15-AC-01: Metropolitan District 1199DC, National Union of Hospital and Healthcare Employees, AFSCME, AFL-CIO, Chapter 2095 v. District of Columbia Department of Behavioral Health: Petition to Amend Certification. Benjamin Kraft presented the case. Petition was filed to amend certification of a bargaining unit. Staff recommendation: To grant the petition. The Board so moved and the motion was adopted.
- F. 15-N-04: Fraternal Order of Police/Protective Services Police Department Labor Committee and District of Columbia Department of General Services, Protective Services Police Department: Negotiability Appeal. Erica Balkum presented the case. The Petitioner filed a Negotiability Appeal of the Department of General Services' written declaration of non-negotiability of several of the Union's counterproposals made during negotiation of a non-compensation collective bargaining agreement. Staff recommendation: To find Article 16, Section E, paragraph 6 and Article 32 Section B negotiable and to dismiss Article 30, Sections A, B and C and Article 32 Section C. The Board so moved. After discussion, the motion was adopted with revised language.
- G. 15-U-20: American Federation of State, County and Municipal Employees, District Council 20, Local 2091 v. District of Columbia Water and Sewer Authority Unfair Labor Practice Complaint. Colby Harmon presented the case. Complaint filed alleging that WASA violated the CMPA when it refused AFSCME's demand to bargain a separate compensation agreement that was independent from the other unions in Compensation Unit 31 (of which ASFCME was a member). Staff recommendation: To dismiss the complaint. The Board so moved. After discussion, the motion was adopted.
- H. 15-U-23: American Federation of Government Employees, Locals 631, 872 and 2553 v. District of Columbia Water and Sewer Authority and American Federation of State, County and Municipal Employees, District Council 20, Local 2091 and National Association of Government Employees, Local R3-06 : Unfair Labor Practice Complaint Colby Harmon presented the case. Complaint alleging that WASA violated D.C. Official

Code §§ 1-617.04(a)(1) and (2), and §§ 1-617.17(b) and (f)(1) by refusing their demand to bargain a successor compensation agreement for Compensation Unit 31. Staff recommendation: To dismiss the complaint. The Board so moved. After discussion, the motion was adopted with Board Member Hoffman's recommended changes.

### Executive Director's Report

The Executive Director Martin reported on

- Case management : In October we closed 19 cases, 4 new cases were filed, 115 active cases
- Shared Mark Viehmeyer's email stating appreciation of Hearing Examiner Bruce Rosenstein for successfully settling HESPRO cases
- Second Tuesdays workshop on November 10, 2015. Mr. Wasserman to give a presentation.
- Training Workshop in the works. Sean Rogers will be the instructor

The meeting was adjourned at 12:25 p.m.

Yvonne P. Waller, Administrative Officer