



DRAFT MINUTES

PERB held its regular monthly meeting on Thursday, April 18, 2024, at 11:00 a.m. via Webex Meeting Conference. Board Chairperson Douglas Warshof, presiding; Board Member Renee Bowser and Board Member Peter Winkler were present.

Staff Attendance: Acting Executive Director Royale Simms, Attorney Advisor Elizabeth Slover, Attorney Advisor Rita Solomon, Administrative Officer Crystal Davis, and Program Analyst Dawan Jones.

The Board adopted the March 21, 2024, meeting minutes.

The Acting Executive Director reported the following:

1. PERB's Annual Budget Hearing with the Committee on Executive Administration and Labor will be held on Friday, April 26, 2024.
2. The Committee on Executive Administration and Labor approved the renominations of Board members Renee Bowser and Mary Anne Gibbons.
3. The Financial Disclosure Statements are due to the Board of Ethics and Government Accountability on May 15, 2024.
4. March Case Management Report – 10 cases closed, for a total of 33 cases closed for the fiscal year, and 1 case was opened with the DC Court of Appeals.
5. Second Tuesdays at PERB was held on March 19, 2024, and the topic: "Duty To Supply Information" was facilitated by Mr. John Higgins.

DOCKET:

Acting Executive Director Royale Simms summarized the following matters on the docket for Board consideration:

A. Yonah Bromberg Gaber, et al. v. American Federation of State, County and Municipal Employees, Local 1808

PERB Case No. 23-S-03

Summary: Fourteen D.C. Public Library employees filed a pro se standards of conduct Complaint against AFSCME, Local 1808, alleging that AFSCME violated the CMPA and its Constitution by failing to provide a reasonable opportunity for all members to vote in a March 30, 2023, internal union election. This matter went to a Hearing. Finding that the Hearing Examiner's Report and Recommendations solely addressed a separate May 18, 2024, election, the Board issued Opinion No. 1857, remanding this case to the Hearing Examiner for findings regarding the allegations in the Complaint. The Hearing Examiner issued a Report on Remand, concluding that both elections violated the CMPA and AFSCME's Constitution. This matter is now before the Board.

B. District of Columbia Public Schools v. Washington Teachers' Union, Local #6
PERB Case No. 24-A-02 (MFR)

Summary: DCPS filed a Motion for Reconsideration of Opinion No. 1858, in which the Board upheld an Arbitration Award ordering DCPS to reimburse a reinstated teacher for early retirement fund withdrawal fees. DCPS argues that the Board should set aside the Award because there was no evidentiary basis for the Arbitrator to conclude that the Grievant incurred early retirement fund withdrawal fees. Alternatively, DCPS requests that the Board remand that issue to the Arbitrator for an evidentiary hearing. WTU argues that no remand is needed, as the Arbitrator retained jurisdiction over the implementation of the Award for the purpose of resolving potential disputes concerning the relief awarded therein. This matter is now before the Board.

C. Metropolitan Police Dept. v. Fraternal Order of Police/Metropolitan Police Department Labor Committee
PERB Case No. 21-A-06(R)

Summary: This Arbitration Review Request comes before the Board pursuant to a D.C. Court of Appeals remand of Board Opinion No. 1783 in accordance with the Comprehensive Policing and Justice Reform Amendment Act of 2022, which retroactively repealed the statute on which the Arbitrator based his decision. This matter is now before the Board.

It was moved and seconded to close the meeting in accordance with D.C. Official Code § 2-575(b)(13). The motion passed unanimously.

Following deliberations, the closed meeting session was reopened. The Board voted as follows:

A. Yonah Bromberg Gaber, et al. v. American Federation of State, County and Municipal Employees, Local 1808
PERB Case No. 23-S-03

Motion: It was moved and seconded that the Board decline to adopt the Report on Remand and dismiss the Complaint in its entirety.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		

B. District of Columbia Public Schools v. Washington Teachers' Union, Local #6
PERB Case No. 24-A-02 (MFR)

Motion: It was moved and seconded that the Board grant the Motion for Reconsideration insofar as it requests that the Board remand the issue of early retirement fund withdrawal fees to the Arbitrator for an evidentiary hearing, and I move that the Board deny the remainder of the Motion for Reconsideration.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		

C. Metropolitan Police Dept. v. Fraternal Order of Police/Metropolitan Police Department Labor Committee
PERB Case No. 21-A-06(R)

Motion: It was moved and seconded that the Board grant the Arbitration Review Request and remand the Award back to the Arbitrator for further proceedings consistent with the judgment of the Court of Appeals.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		

Old Business: None

The meeting was adjourned at 12:06 p.m.

The next meeting will be held on May 16, 2024.