



## MINUTES

The regular monthly meeting of PERB was held on January 12, 2017, at 11:11 a.m. at PERB headquarters. Chairman Charles Murphy, presiding, and Board members Ann Hoffman, Barbara Somson and Douglas Warshof being present.

Staff attendance: Executive Director Clarene Phyllis Martin, Lindsey Maxwell, Colby Harmon, David McFadden, Alexis Anderson, Merlin George and Yvonne Waller.

The Chairman announced the death of Board Member Yvonne Dixon. A moment of silence was observed in her memory.

Minutes from the December 15, 2016 meeting were approved.

Executive Director Martin reported the following:

As of December 31, 2016

- Closed cases – 35
- Received 7 new cases
- Remaining open cases- 71

The Agency did not conduct its Second Tuesdays at PERB training session in January.

## Docket

Lindsey Maxwell summarized the following four cases appearing on the case docket for Board consideration.

A. **Doctors Council of the District of Columbia v. DYRS**  
PERB Case No. 11-U-22

This case was tabled from the December 2016 meeting. The Complainant filed an Unfair Labor Practice Complaint against the District of Columbia Department of Youth and Rehabilitation Services, alleging that DYRS violated the CMPA by: (1) failing to engage in good faith impact and effects bargaining related to a RIF and failing to provide relevant and necessary information upon request; (3) eliminating three bargaining unit positions and transferring the work to non-bargaining unit employees; and (4) refusing to select an FMCS arbitrator after a timely request to do so was made by the Complainant.

B. **FOP/MPD Labor Committee v. MPD**  
PERB Case Nos. 12-U-16 and 13-U-38

This case comes to the Board on remand from the DC Court of Appeals and the DC Superior Court. The case involves interpretations of the Board Rules and the CMPA related to administrative dismissals by the Executive Director and motions for reconsideration.

C. **MPD v. FOP/MPD Labor Committee**  
PERB Case No. 16-A-08

MPD filed this Arbitration Review Request seeking review of the arbitration award that sustained the grievance filed by the Fraternal Order of Police/ Metropolitan Police Department Labor Committee regarding advance notices of changes in the employees' schedules. MPD challenges the award on the grounds that it is contrary to law and public policy.

D. **AFSCME, Local 2401 v. DC Public Service Commission**  
PERB Case No. 17-UC-02

AFSCME Local 2401 filed this petition for unit clarification seeking to be named the exclusive representative of a group of employees at the Public Service Commission. AFSCME Council 20 has filed a motion to intervene. Both the petition and the motion are before the Board for its consideration.

Board Chair Murphy moved to close the meeting to the public for deliberations in accordance with D.C. Official Code § 2-575(b) (13). The motion passed unanimously.

The meeting was closed for deliberations.

Following deliberations, the meeting resumed at which time the Board voted on the following cases:

**Doctors Council of the District of Columbia v. DYRS**  
PERB Case No. 11-U-22

It was moved and seconded to table this case until the next meeting.

Member	In Favor	Opposed	Tabled
Ann Hoffman	X		
Charles Murphy	X		
Barbara Somson	X		
DouglasWarshof	X		

**FOP/MPD Labor Committee v. MPD**

PERB Case Nos. 12-U-16 and 13-U-38

It was moved and seconded that the Board grant FOP’s motion to consolidate PERB Case Nos. 12-U-16 and 13-U-38; to deny FOP’s motion for a hearing and dismiss the complaints in PERB Case Nos. 12-U-16 and 13-U-38 with prejudice.

Member	In Favor	Opposed	Tabled
Ann Hoffman	X		
Charles Murphy	X		
Barbara Somson	X		
Douglas Warshof	X		

**MPD v. FOP Labor Committee**

PERB Case No. 16-A-08

It was moved and seconded that the Board dismiss the arbitration review request without prejudice.

Member	In Favor	Opposed	Tabled
Ann Hoffman	X		
Charles Murphy	X		
Barbara Somson	X		
Douglas Warshof	X		

**AFSCME, Local 2401 v. DC Public Service Commission**

PERB Case No. 17-UC-02

It was moved and seconded that the Board grant District Council 20’s motion to intervene, grant Petitioner’s motion for leave and dismiss the petition with prejudice.

Member	In Favor	Opposed	Tabled
Ann Hoffman	X		
Charles Murphy	X		
Barbara Somson	X		
Douglas Warshof	X		

The meeting was adjourned at 12:23 p.m.

Prepared by: Yvonne P. Waller, Administrative Officer