



MINUTES

- I. The regular monthly meeting of PERB was held on April 26, 2018, 12:10p.m. at PERB headquarters. Chairman Charles Murphy (via conference call), Board Member Ann Hoffman presiding, Board Member Barbara Somson, Board Member Mary Anne Gibbons and Board Member Douglas Warshof were present.
- II. Staff attendance: Executive Director Clarene Phyllis Martin, Lindsey Maxwell, David McFadden, Merlin George, Alexis Anderson and Najibah Almahdi.
- III. March 27, 2018 minutes were approved.
- IV. Executive Director reported the following:
  - Today, the D.C. Council’s Committee on Labor and Workforce Development conducted its budget oversight hearings for FY19. The Director appeared before the Committee to answer questions about the agency’s budget. The Mayor’s budget incorporates the Director’s \$65,000 enhancement request not originally in the proposed budget. Council Member Silverman inquired about the IT project funded in the current fiscal year and emphasized the need for close monitoring of OCTO to ensure the project would be completed by the end of the fiscal year. A copy of Director Martin’s opening statement was provided to the Board.
  - Director Martin reported on the status of the IT project to move the PERB website content from an unsupported out-of-date platform to a newer platform. OCTO has assured PERB that the project will begin promptly after the implementation of OEA’s website. The PERB platform will be reconfigured based on the OEA platform. *\*\*\*Board Members Hoffman and Somson commented on the IT project. Member Hoffman requested that Director Martin provide an early warning to the City Administrator that we may be in jeopardy of losing the funding for the project if the conversion does not take place in fiscal year 2018. Member Somson expressed concerns about the reliability of OCTO based on feedback from other sources. She requested that Director Martin place weekly calls to OCTO to force them to finalize the timeline of the project and also provide a monthly report on the outcome of the calls.*
  - March Case Management Report:
    - Administratively Dismissed: 1
    - Cases Settled/Withdrawn: 5
    - Closed by Decision and Order: 4
    - Number of Cases Opened in March: 9
    - Number of Cases Closed in March: 10
    - Total Number of Cases Opened in FY ’18: 52
    - Total Number of Cases Open: 54

- Second Tuesdays at PERB was conducted on April 10, 2019. The main topics of discussion were management rights, duty to supply information, and impasse. In addition, there was an open forum for questions. \*\*\*  
*Chairman Murphy commented that he attended the session and observed that the students were enthusiastic about the training, and were very active with the other students as well as the presenter. He commended Director Martin on the success of the program. He inquired about the possibility of creating a system to determine the success of the program. Member Hoffman commented that there will always be a need for the training due to the turnover ratio of D.C. staff. Board Member Warshof commented that it will help employees understand the law and the PERB process. However, it will not impact the number of cases filed.*
- Training for the Metropolitan Police Department will be conducted May 8<sup>th</sup>, 18<sup>th</sup> and 21<sup>st</sup>. Also two OTR divisions have requested training.
- Director Martin had a meeting with Fire Chief Ennis about training and will follow up with a second meeting.
- The Staff Attorney and Program Analyst positions will be posted on the DCHR website within days.

V. Public Forum- There was no attendance from the public.

VI. Docket:

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

- A. American Federation of Government Employees, Local 1000 v. District of Columbia Department of Employment Services  
PERB Case No. 13-U-07(R)

This case is before PERB after being remanded by the Superior Court at PERB's request. This case addresses the American Federation of Government Employees, Local 1000 assertion that the District of Columbia Department of Employment Services failed to bargain over the implementation of the dress code.

- B. Fraternal Order of Police/Metropolitan Police Department Labor Committee (on behalf of Michael Pokladnik) v. Metropolitan Police Department  
PERB Case No. 18-A-03

On December 1, 2017, the Fraternal Order of Police/Metropolitan Police Department Labor Committee filed an Arbitration Review Request. The initial award directed the Metropolitan Police Department to set aside the termination of Officer Michael Pokladnik and ordered an alternative sanction of a suspension.

C. Monica Brokenborough v. District of Columbia Public Schools  
PERB Case No. 18-U-10

On December 26, 2017, the complainant, Pro Se, filed this Unfair Labor Practice Complaint that the District of Columbia Public Schools violated 1-617.04 (a)(1), (3) and (4) of the D.C. official code by delaying the response to the grievance filed on her behalf by the Washington Teacher's Union. It also alleges violations under the party's Collective Bargaining Agreement, the DCMR and the District of Columbia Whistleblower's Protection Act.

D. American Federation of Government Employees, Local 631 v. District of Columbia Water and Sewer Authority  
PERB Case No. 18-U-17

On January 24, 2018, AFGE, part of Compensation Unit 31, filed an Unfair Labor Practice Complaint against the District of Columbia Water and Sewer Authority alleging that they violated section 1-617.04(a) 1 and 5 of the D.C. official code by refusing to engage in separate negotiations with Local 631 on the impacts and effects of a performance management system covered by a recently negotiated compensation agreement.

E. Jerome Kennedy and Keri Nash, Chief Shop Steward v. Department of Behavioral Health  
PERB Case No. 18-U-27

Complainants Jerome Kennedy and Keri Nash, Chief Shop Steward filed this Unfair Labor Practice Complaint against the Department of Behavioral Health (DBH) alleging that it initiated an adverse act against Mr. Kennedy in violation of the CMPA after he had an accident with a Government Vehicle.

It was 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 was opened to the public. The Board voted as follows:

American Federation of Government Employees, Local 1000 v. District of Columbia Department of Employment Services  
PERB Case No. 13-U-07(R)

By unanimous vote the Board tabled this case for further consideration.

Member	In Favor	Opposed	Table
Charles Murphy			X
Ann Hoffman			X
Barbara Somson			X
Mary Anne Gibbons			X
Douglas Warshof			X

Fraternal Order of Police/Metropolitan Police Department Labor  
Committee (on behalf of Michael Pokladnik) v. Metropolitan Police Department  
PERB Case No. 18-A-03

It was moved and seconded and unanimously decided as follows:

The Arbitrator’s award is not contrary to law and public policy and the Arbitration Review Request is denied in its entirety with prejudice.

Member	In Favor	Opposed	Table
Charles Murphy	X		
Ann Hoffman	X		
Barbara Somson	X		
Mary Anne Gibbons	X		
Douglas Warshof	X		

Monica Brokenborough v. District of Columbia Public Schools  
PERB Case No. 18-U-10

It was moved and seconded and unanimously decided as follows:

The complainant has not alleged a timely violation of 1-617.04 (a)(1),(3) or (4) and because the remaining allegations in the complaint are outside the jurisdiction of the Public Employee Relations Board her complaint is dismissed with prejudice.

Member	In Favor	Opposed	Table
Charles Murphy	X		
Ann Hoffman	X		
Barbara Somson	X		
Mary Anne Gibbons	X		
Douglas Warshof	X		

American Federation of Government Employees, Local 631 v. District of Columbia Water  
and Sewer Authority  
PERB Case No. 18-U-17

It was moved and seconded and unanimously decided as follows:

WASA is under no obligation to engage in separate compensation bargaining with Local 631, independent from Compensation Unit 31. The complaint is dismissed with prejudice

Member	In Favor	Opposed	Table
Charles Murphy	X		
Ann Hoffman	X		
Barbara Somson	X		
Mary Anne Gibbons	X		
Douglas Warshof	X		

Jerome Kennedy and Keri Nash, Chief Shop Steward v. Department of Behavioral Health  
PERB Case No. 18-U-27

It was moved and seconded and unanimously decided as follows:

The complainant failed to state a claim under D.C. Official Code 1-617.04 (a)(1),(3) and (4). The complaint is dismissed with prejudice.

Member	In Favor	Opposed	Table
Charles Murphy	X		
Ann Hoffman	X		
Barbara Somson	X		
Mary Anne Gibbons	X		
Douglas Warshof	X		

The meeting adjourned at 2:11 p.m.

Prepared by: Najibah Almahdi, Administrative Officer