



MINUTES

- I. The regular monthly meeting of PERB was held on May 17, 2018, 11:15a.m. at PERB headquarters. Chairman Charles Murphy presiding, Board Member Ann Hoffman, Board Member Barbara Somson, Board Member Mary Anne Gibbons and Board Member Douglas Warshof (via conference call) were present.
- II. Staff attendance: Executive Director Clarene Phyllis Martin, Lindsey Maxwell, David McFadden, Merlin George, Alexis Anderson and Najibah Almahdi.
- III. April 26, 2018 minutes were approved.
- IV. Executive Director reported the following:
 - Director Martin attended the Committee on Labor and Workforce Development meeting. A copy of the report containing the final budget as well as comments from Councilwoman Silverman were distributed to the Board.
 - April Case Management Report:
 - Administratively Dismissed: 1
 - Cases Settled/Withdrawn: 2
 - Closed by Decision and Order: 4
 - Number of Cases Opened in April: 3
 - Number of Cases Closed in April: 7
 - Total Number of Cases Opened in FY '18: 58
 - Total Number of Cases Open: 53
 - Total Hearings: 5
 - Total Mediations: 14
 - There has been a challenge scheduling mediations. Many parties have conflicting schedules. In some cases, the parties are consistently having difficulties matching their availability.
 - On Friday May 4th, a four hour training session was conducted with the management staff of the Metropolitan Police Department. There are two additional training sessions scheduled for May 18th and May 21st.
 - On Tuesday, May 22nd, a four hour training session with the Real Property Tax Administration, a division of the Office of Tax and Revenue will be conducted for (23) managers. Also, on Tuesday June 5th, a four hour training session for the Audit Division of the Office of Tax and Revenue will be conducted.

- Director Martin has a follow up meeting with Chief Dean of the Fire and EMS agency on June 1st, to discuss training with his top staff.
- On Tuesday May 8th, Second Tuesdays at PERB was conducted. The topic of discussion was “Ethics and Labor Relations”.
- On Wednesday May 9th, Director Martin and Lindsey Maxwell met with OCTO staff to discuss timelines, projected completion date and next steps for the PERB public search portal. A follow up meeting is scheduled on June 18th. A copy of the project timeline was distributed to the Board. A final copy of the MOU will be distributed to the Board once it is available.

[Chairman Murphy commented that more research is needed to determine the progress and impact the training has on the number of cases submitted. He pointed out that there is a significant amount of Unfair Labor Practice complaints being submitted compared to other types of cases. Therefore there is an opportunity to add more in depth information to the training regarding Unfair Labor Practice complaints. He also would like to see a historical report which shows the impact of the number and type of cases being submitted, since the implementation of the training sessions. Director Martin agreed to assign Lindsey Martin to the project.]

[Board Member Hoffman suggested that Director Martin take a comprehensive audit of every stage in the case management process for each case in order to review statutory rules and current PERB timelines.]

Public Forum- There was no attendance from the public.

V. Docket:

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

- A. Washington Teachers Union Local 6 v. District of Columbia Public Schools
PERB Case No. 15-U-28

In June 2015, WTU filed this unfair labor practice complaint alleging that District of Columbia Public Schools violated DC Official Code section 1-617.04(a)(1), (3) and (5) when it failed to bargain in good faith regarding a change to the licensure requirements for social workers and the discharge of those social workers who failed to meet the new requirements in a timely manner.

- B. Metropolitan Police Department v. Fraternal Order of Police Metropolitan Police Department Labor Committee
PERB Case No. 18-A-04

This past November, MPD filed this arbitration review request pursuant to the CMPA, seeking Board review of an arbitration award that reduced the termination of Officer Michael Thomas to a 45-day suspension. That case is now before the Board for its consideration.

- C. DC Nurses Association v. Not-for-Profit Hospital Corp.
PERB Case Nos. 17-U-09, 17-U-21 and 17-U-23

National Association of Special Police and Security Officers v. United Medical Center
PERB Case No. 17-RC-01

These cases come before the Board on a motion for reconsideration. On September 25, 2017, The Executive Director administratively dismissed all four of these cases for the same reason. Citing DC Official Code 44-951, the Director found that the Board lacked jurisdiction to adjudicate the cases. The motions for reconsideration are now before the Board.

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:

Washington Teachers Union Local 6 v. District of Columbia Public Schools
PERB Case No. 15-U-28

It was moved and seconded and unanimously decided as follows:

The Board moves to adopt the Hearing Examiners' findings. The allegations offered by the Washington Teachers Union do not constitute violations by the CMPA. 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		

Metropolitan Police Department v. Fraternal Order of Police Metropolitan Police Department Labor Committee
PERB Case No. 18-A-04

It was moved and seconded and unanimously decided as follows:

The arbitration award in this case is not contrary to law and public policy. The arbitration review request is denied and the matter 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		

DC Nurses Association v. Not-for-Profit Hospital Corp.

PERB Case Nos. 17-U-09, 17-U-21 and 17-U-23

National Association of Special Police and Security Officers v. United Medical Center

PERB Case No. 17-RC-01

It was moved and seconded and unanimously decided as follows:

For the purposes of issuing this decision, the Board has moved to consolidate PERB Case Nos. 17-U-09, 17-U-21, 17-U-23 and 17-RC-01.

The Board finds that it lacks jurisdiction over these complaints pursuant to DC Official Code section 44-51 and therefore deny the motion for reconsideration. The decision and order in Opinion Number 1580 should be vacated. The consolidated cases be 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 2:32 p.m.

Prepared by: Najibah Almahdi, Administrative Officer