



MINUTES

- I. The regular monthly meeting of PERB was held on July 26, 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 were present.
- II. Staff attendance: Executive Director Clarene Phyllis Martin, Lindsey Maxwell, David McFadden, Merlin George, Alexis Anderson and Najibah Almahdi and Andrea Lozada.
- III. June 20, 2018 minutes were tabled until the next board meeting.
- IV. Executive Director reported the following:
 - June Case Management Report:
 - Administratively Dismissed: 0
 - Cases Settled/Withdrawn: 6
 - Closed by Decision and Order: 0
 - Number of Cases Opened in June: 4
 - Number of Cases Closed in June: 6
 - Total Number of Cases Opened in FY '18: 61
 - Total Number of Cases Open: 51
 - Total Hearings: 6
 - Total Mediations: 24
 - The Public Employee Relations Board welcomed Andrea Lozada to the staff on July 9th as the new Program Analyst. Royale Sims, the new Attorney-Advisor will start on August 6th.
 - Discussions were made with the head of the Office of Tax and Revenue to schedule training sessions for his top staff. Training sessions were originally scheduled for last month, however, it was rescheduled to a date in October.
 - Director Martin has scheduled additional meetings with Chief Dean of Fire and EMS to discuss the scheduling of the training sessions for the top level staff in his agency, tentatively in October or November.

- Chairman Murphy suggested that PERB staff produce a report indicating the impact of the trainings on the participants. Lindsey Maxwell will manage the project along with Andrea Lozada to analyze the data and provide the results at the next board meeting.

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 State, County and Municipal Employees, District Council 20 and the Office of the State Superintendent of Education and International Brotherhood of Teamsters, Local 639

PERB Case No. 17-UM-02

On March 13, 2017, AFSCME Council 20 filed this instant Petition for Unit Modification. The Union requested that the Board amend Certification No. 25 to reflect the change in the identity of the employing agency from DCPS to OSSE, and to more accurately describe the unit in modern terms.

B. National Association of Government Employees, Local R3-07 v. Office of Unified Communications

PERB Case No. 18-A-07

NAGE filed this arbitration review request appealing from an award denying a grievance the Union filed with the Office of Unified Communications. The Union contends that the Arbitrator exceeded his authority and that the Award is contrary to law and public policy.

C. American Federation of State, County and Municipal Employees, District Council 20, Local 2921 and DC Public Schools

PERB Case No. 18-N-02

AFSCME Local 2921 (“Union”) and District of Columbia Public Schools (“DCPS”) are engaged in bargaining concerning non-compensation matters. On October 13, 2017, the Union filed this Negotiability Appeal (“Appeal”). The Appeal concerns seven proposals made by the Union and declared nonnegotiable by DCPS. DCPS filed a timely Answer to the Appeal.

D. Public Service Commission v. American Federation of Government Employees, Local 1403

PERB Case No. 18-N-03

Before the Board is a negotiability appeal in which the Public Service Commission has named the AFGE Local 1403 as Respondent. In the negotiability appeal, the Commission requests that the Board declare Local 1403’s proposed amendment to Article 38, Section 2 of the parties’ collective bargaining agreement nonnegotiable.

E. Fraternal Order of Police/Metropolitan Police Department Labor Committee v. Metropolitan Police Department

PERB Case No. 18-U-19

On February 1, 2018, FOP filed an unfair labor practice complaint, alleging that MPD violated section 1-617.04(a)(1) and (5) of the D.C. Official Code by refusing to abide by an arbitration award.

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 State, County and Municipal Employees, District Council 20 and the Office of the State Superintendent of Education and International Brotherhood of Teamsters, Local 639

PERB Case No. 17-UM-02

It was moved and seconded and unanimously decided as follows:

The unit for which American Federation of State County and Municipal Employees, District Council 20 is certified as the exclusive representative is modified and will be described as:

All part-time Motor Vehicle Operators and part-time Bus Attendants employed in the Office of the State Superintendent of Education Division of Student Transportation, excluding full-time Motor Vehicle Operators and full-time Bus Attendants, management officials, supervisors, confidential employees, and employees engaged in personnel work other than in a purely clerical capacity and employees engaged in the administration of the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978.

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

National Association of Government Employees, Local R3-07 v. Office of Unified Communications

PERB Case No. 18-A-07

It was moved and seconded and unanimously decided as follows:

The Arbitrator addressed and decided the contractual issues that the Union raised in its request. The Union has presented no basis to modify, set aside, or remand the Award. Therefore, the board denies the arbitration review request.

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

American Federation of State, County and Municipal Employees, District Council 20, Local 2921 and DC Public Schools

PERB Case No. 18-N-02

It was moved and seconded and unanimously decided as follows:

The Board tables the matter until the next meeting.

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

Public Service Commission v. American Federation of Government Employees, Local 1403

PERB Case No. 18-N-03

It was moved and seconded and unanimously decided as follows:

The Board cannot consider the Commission's negotiability appeal because the Commission is not "the party presenting the proposal." Therefore, the Board denies the Commission's negotiability appeal and the Commission's motion requesting that the Board strike Local 1403's answer to the Commission's negotiability appeal, is denied as moot.

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 v. Metropolitan Police Department

PERB Case No. 18-U-19

It was moved and seconded and unanimously decided as follows:

1. The District of Columbia Metropolitan Police Department's request to dismiss Chief Peter Newsham in this matter is granted;
2. FOP's unfair labor practice complaint is granted;
3. The District of Columbia Metropolitan Police Department shall cease and desist from violating section 1-617.04(a)(1) and (5) of the D.C. Official Code by failing to implement the arbitration award;
4. Within ten (10) days from the issuance of this Decision and Order, the District of Columbia Metropolitan Police Department shall fully comply with the terms of the arbitration awards, if it has not already done so;
5. The District of Columbia Metropolitan Police Department shall conspicuously post where notices to employees are normally posted two (2) notices that the Board will furnish to MPD in each of the department's buildings. The notice shall be posted within fourteen (14) days from MPD's receipt of the notice and shall remain posted for thirty (30) consecutive days;
6. Within fourteen (14) days from the date of the receipt of the notice, MPD shall notify the Public Employee Relations Board in writing that the attached notice has been posted accordingly and on what date they were posted.

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

VII. New Business

A. Discussion of Rules

It was moved to close the meeting to the public for the discussion of PERB Rules in accordance with D.C. Official Code § 2-575(b). The motion passed unanimously. The meeting was closed for the discussion of PERB Rules.

The meeting adjourned at 1:30 p.m.

Prepared by: Najibah Almahdi, Administrative Officer