



**MINUTES**

The regular monthly meeting of PERB was held on August 17, 2017, at 12:14 p.m. at PERB headquarters. Board Member Douglas Warshof, presiding. Board Member Barbara Somson and Board Member Mary Anne Gibbons were present.

Staff attendance: Executive Director Clarene Phyllis Martin, Lindsey Maxwell, David McFadden, Alexis Anderson, Merlin George, Najibah Almahdi and Sheryl Harrington.

The minutes from the July 27, 2017 meeting were approved. The minutes from the May 2017 Board meeting were held in abeyance for the September meeting.

Executive Director Martin reported the following:

- Charles Murphy and Ann Hoffman should be confirmed by the DC Council in September.
- The expansion of PERB office space is in progress

**Docket:**

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

A. **District of Columbia Department of Youth Rehabilitation Services v. Fraternal Order of Police/Department of Youth Rehabilitation Services Labor Committee**

PERB Case No. 16-A-02

DYRS is seeking review of an Arbitrator's Supplemental Opinion and Amendment to Award that granted attorneys' fees to the Fraternal Order of Police/Department of Youth Rehabilitation Services Labor Committee ("Union").

**B. District of Columbia Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department Labor Committee**

PERB Case No. 16-A-12

The Arbitrator determined that MPD failed to commence an adverse action against Officer Mendoza within 90 days of when it knew or should have known of his alleged misconduct, a violation of section 5-1031(a) of the D.C. Official Code. The issue before the Board is whether the Award on its face is contrary to law and public policy.

**C. District of Columbia Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department Labor Committee**

PERB Case No. 17-A-04

Metropolitan Police Department seeks review of an arbitration award granting an award of interest on back pay to the Fraternal Order of Police / Metropolitan Police Department Labor Committee on behalf of Officers Julius Allen and Japeth Taylor.

**D. District of Columbia Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department Labor Committee**

PERB Case No. 17-A-06

Metropolitan Police Department filed an arbitration review request appealing an Opinion and Award that ordered the reinstatement of an employee MPD had terminated. MPD asserts that the Award on its face is contrary to law and public policy and submits that the decision of the arbitrator should be reversed.

**E. Fraternal Order of Police/Department of Rehabilitation Youth Services Labor Committee v. District of Columbia Department of Youth Rehabilitation Services**

PERB Case No. 17-N-02

The Fraternal Order of Police/Department of Youth Rehabilitation Services Labor Committee filed the instant Negotiability Appeal. The Union and the Department of Youth Rehabilitation Services are negotiating a successor collective bargaining agreement concerning non-compensation terms and conditions of employment.

Board Member Warshof 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:

**District of Columbia Department of Youth Rehabilitation Services v. Fraternal Order of Police/Department of Youth Rehabilitation Services Labor Committee**  
**PERB Case No. 16-A-02**

It was moved and seconded to deny the request and to dismiss the matter in its entirety with prejudice.

Member	In Favor	Opposed	Tabled
Douglas Warshof	X		
Barbara Somson	X		
Mary Anne Gibson	X		

**District of Columbia Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department Labor Committee**  
**PERB Case No. 16-A-12**

It was moved and seconded to deny the request and to dismiss the matter in its entirety.

Member	In Favor	Opposed	Tabled
Douglas Warshof	X		
Barbara Somson	X		
Mary Anne Gibson	X		

**District of Columbia Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department Labor Committee**  
**PERB Case No. 17-A-04**

It was moved and seconded to deny the request and to dismiss the matter in its entirety with prejudice.

Member	In Favor	Opposed	Tabled
Douglas Warshof	X		
Barbara Somson	X		
Mary Anne Gibson	X		

**District of Columbia Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department Labor Committee**

**PERB Case No. 17-A-06**

It was moved and seconded to deny the request and to dismiss the matter in its entirety with prejudice.

Member	In Favor	Opposed	Tabled
Douglas Warshof	X		
Barbara Somson	X		
Mary Anne Gibson	X		

**Fraternal Order of Police/Department of Rehabilitation Youth Services Labor Committee v. District of Columbia Department of Youth Rehabilitation Services**

**PERB Case No. 17-N-02**

It was moved and seconded that the Complainant's proposal concerning essential and emergency employees is negotiable, with the exception of the final sentence, which reads, "The parties agree that an inadequate staffing level does not constitute an emergency." That sentence is nonnegotiable.

Member	In Favor	Opposed	Tabled
Douglas Warshof	X		
Barbara Somson	X		
Mary Anne Gibson	X		

The meeting was adjourned at 1:07 p.m.

Prepared by: Sheryl V. Harrington, Administrative Assistant