



MINUTES

PERB held its regular monthly meeting on Tuesday, August 20, 2024, at 11:00 a.m. via Webex Meeting Conference. Board Chairperson Douglas Warshof, presiding; Board Members Renee Bowser, Mary Anne Gibbons and Peter Winkler were present.

Staff Attendance: Acting Executive Director Royale Simms, Attorney Advisor Elizabeth Slover, Attorney Advisor Rita Solomon, Attorney Advisor Isaac Katz, Administrative Officer Crystal Davis, Program Analyst Dawan Jones, and Senior Staff Assistant Gertie Elam.

The Board adopted the July 18, 2024, meeting minutes.

The Acting Executive Director reported the following:

1. There is a delay due to MOTA requiring additional approvals before candidates can begin the interviewing process for the Board Member vacancy.
2. July Case Management Report – 6 cases closed, for a total of 28 cases closed for the fiscal year 2024.
3. On July 31st, PERB announced open nominations for Hearing Examiners and Mediators. The announcement was made public on PERB's website.
4. The updated PERB move date is September 6, 2024.
5. The Executive Director's position posting will go live on Friday August 23, 2024.

DOCKET:

Acting Executive Director Royale Simms summarized the following matters on the docket for Board consideration:

A. American Federation of Government Employees, Local 1975 v. Department of Public Works

PERB Case No. 23-U-11

Summary: AFG E filed an unfair labor practice complaint alleging that DPW violated the CM PA by revoking approval of administrative leave last minute for two union official employees for travel to a conference. DPW filed an answer denying any violation of the CM PA and further asserting affirmative defenses to the complaint. DPW submitted exceptions to the Hearing Examiner's Report and Recommendations. AFG E did not file an opposition to the exceptions.

B. Fraternal Order of Police/Metropolitan Police Department v. Metropolitan Police Department

PER B Case No. 24-A-05 (MFR)

Summary: FOP filed this motion for reconsideration of Opinion No. 1873, which found that the Arbitrator in the case had retained jurisdiction on remedy and remanded the case back to the Arbitrator for consideration of remedy in light of the Grievant's subsequent criminal conviction. FOP asks the Board to reconsider its remand Order in Opinion No. 1873.

C. Office of Administrative Hearings v. Federation of Administrative Law Judges

PER B Case No. 24-A-07

Summary: OAH filed this arbitration review request, seeking review of an arbitration award that found, in part, that OAH violated its CBA with the Union by not publicizing to bargaining unit members a limit for the number of sabbaticals which would be approved for the year in question, and at a time which would be meaningful, under the terms of the CBA. OAH challenges the Award's finding on the basis that the Arbitrator exceeded his jurisdiction in deciding this issue.

D. Washington Teachers' Union v. District of Columbia Public Schools

PER B Case No. 24-N-04

Summary: WTU filed a series of six negotiability appeals, which have since been consolidated under PER B Case No. 24-N-04. In its appeals, WTU asks the Board to find that nineteen proposals which DCPS declared nonnegotiable are negotiable. After the appeals were filed, the parties were able to lower the number of contested proposals to thirteen. Ten of the proposals seek to retain or revise current CBA provisions; one seeks to add a new CBA provision; and two seek to create new memoranda of agreement between the parties. The subjects of WTU's proposals include job duties, teacher evaluations, work year, workday, class size, emergency preparedness, and teacher diversity.

It was moved and seconded to close the meeting in accordance with D.C. Official Code § 2-575(b)(13). The motion passed unanimously.

Following deliberations, the meeting was reopened to the public. The Board voted as follows:

A. American Federation of Government Employees, Local 1975 v. Department of Public Works

PER B Case No. 23-U-11

Motion: It was moved and seconded that DPW committed an unfair labor practice in violation of D.C. Official Code § 1-617.04(a)(1).

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		

B. Fraternal Order of Police/Metropolitan Police Department v. Metropolitan Police Department

PER B Case No. 24-A-05 (MFR)

Motion: It was moved and seconded that the Board deny FOP's Motion for Reconsideration.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		

C. Office of Administrative Hearings v. Federation of Administrative Law Judges

PER B Case No. 24-A-07

Motion: It was moved and seconded that the Board deny the Arbitration Review Request.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		

D. Washington Teachers' Union v. District of Columbia Public Schools
 PERB Case No. 24-N-04

Motion: The following was moved and seconded by the Board:

1. WTU's proposal to revise Article 1.5.2 is nonnegotiable.
2. WTU's proposal to retain the current versions of Articles 2.10.1.8; 2.11.2.1.8; and 2.12.11 is negotiable.
3. WTU's proposal to retain the current versions of Articles 2.10.1.7; 2.11.2.1.7; and 2.12.10 is nonnegotiable.
4. WTU's proposal to revise Article 15.2 is negotiable.
5. WTU's proposal to retain the current versions of Articles 16.1 and 16.5 is negotiable.
6. WTU's proposal to retain the current versions of Article 16.3 and 16.4 is nonnegotiable.
7. WTU's proposal to revise Articles 23.1.1; 23.1.1.1; 23.1.1.2; 23.1.3; 23.1.4; and 23.1.5 is nonnegotiable.
8. WTU's proposal to revise Article 23.1.2 is negotiable.
9. WTU's proposal to revise Articles 23.2.1.1; 23.2.2; 23.2.3; and 23.2.4 is nonnegotiable.
10. WTU's proposal to revise Article 23.2.1.2 is negotiable.
11. WTU's proposal to revise Article 23.13 is nonnegotiable, as the appeal is untimely.
12. WTU's proposal to retain the current versions of Articles 24.2.8 and 24.2.9 is nonnegotiable.
13. WTU's proposal to retain the current version of Article 24.2.10 is negotiable.
14. WTU's proposal to revise Article 24.5.5 is negotiable.
15. The Board declines to render a decision regarding WTU's proposal to add Article 24.8 to the CBA, as the appeal is premature.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		

Old Business: None

The meeting was adjourned at 11:55 a.m.

The next meeting will be held on October 17, 2024.