



MINUTES

PERB held its regular monthly meeting on Wednesday, November 29, 2023, at 11:00 a.m. via Webex Meeting Conference. Board Chairperson Douglas Warshof, presiding; Board Member Renee Bowser, Board Member Mary Anne Gibbons, and Board Member Peter Winkler were present.

Staff Attendance: Executive Director Clarene Martin, Supervisory Attorney Advisor Royale Simms, Attorney Advisor Isaac Katz, Attorney Advisor Elizabeth Slover, Attorney Advisor Rita Solomon, Operations Manager Crystal Davis, Program Analyst Dawan Jones, and Senior Staff Assistant Gertie Elam.

The Board adopted the October 19, 2023 meeting minutes.

The Executive Director reported the following:

1. Second Tuesdays at PERB was held on November 21, 2023, and discussed the topic “Collective Bargaining.”
2. During October, 4 cases were closed, 4 cases were opened, 4 mediations were held, and 1 hearing was held.

DOCKET:

Supervisory Attorney Advisor Royale Simms summarized the following matters on the docket for Board consideration:

A. American Federation of Government Employees, AFL-CIO Local 872 and D.C. Water and Sewer Authority
PERB Case No. 22-UM-01

Summary: AFGE filed a Petition requesting that the Board modify the existing bargaining unit at WASA to add several positions that were created or revised since the initial certification. AFGE also requests that the Board amend Certification No. 95 and Certification No. 106 to consolidate the two bargaining units represented by AFGE at WASA into one unit under the exclusive representation of AFGE. Additionally, AFGE requests that the Board modify the names of some divisions within the bargaining unit to conform to WASA’s current organizational structure. WASA opposes the proposed modifications to the bargaining unit. This matter is now before the Board.

B. District of Columbia Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department Labor Committee
PERB Case No. 23-A-05 and 23-A-06

Summary: In these consolidated Arbitration Review Requests, both parties seek review of an arbitration review that sustained a class grievance against MPD for failure to pay bargaining unit members' negotiated wage increases, retention pay, and retroactive pay. The arbitrator found that MPD's failure to timely implement the negotiated compensation increases violated the parties' CBA and the CMPA and ordered MPD to pay 4% interest on all retroactive payments, attorney fees, and costs while denying FOP's request for liquidated damages. MPD seeks review on the grounds that the award is contrary to law. FOP seeks review on the grounds that the award is contrary to law and public policy. This matter is now before the Board.

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 closed meeting session was reopened. The Board voted as follows:

A. American Federation of Government Employees, AFL-CIO Local 872 and D.C. Water and Sewer Authority
PERB Case No. 22-UM-01

Motion: It was moved and seconded that the Board grant the Petition, in part, and modify Certification No. 106 to include WASA employees in the position of "Specialist, Compliance Water Quality."

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

B. District of Columbia Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department Labor Committee
PERB Case No. 23-A-05 and 23-A-06

Motion: It was moved and seconded that the Board consolidate these two arbitration review requests, modify the draft decisions as discussed, and deny both arbitration review requests.

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

Old Business: None

The meeting was adjourned at 11:39 a.m.

The next Board meeting will be held on Thursday, December 21, 2023.