



July 2019 Board Meeting Minutes

- I. The regular monthly meeting of PERB was held on Thursday, July 18, 2019, at 11:18 AM at PERB headquarters. Board Attendance: Chairman Charles Murphy, Board Member Mary Anne Gibbons, and Board Member Douglas Warshof.
- II. Staff Attendance: Executive Director Clarene Martin, Antwanette Murphy, Erica Balkum, Merlin George, Andrea Lozada, Royale Simms, Morgan Sills (intern), and Malcolm Mortley (intern).
- III. The minutes for June 2019, were adopted.
- IV. Executive Director reported the following:
 - a. Antwanette Murphy is the new Administrative Officer.
 - b. Erica Balkum is the new Supervisory Attorney Advisor.
 - c. Howard University interns are with PERB for a summer internship.
 - d. Currently, we have 27 pending cases and 7 new cases were opened in June. We have 6 pending mediations and 1 pending hearing.
 - e. Agenda was amended, PERB Case No. 19-U-05 was removed from the agenda and PERB Case No. 19-U-09 was added.
 - f. Quarter 3 Performance Plan updates were submitted, raw data shows that PERB is in track for meeting Fiscal Year 2019 Performance Plan annual goals.
 - g. AFSCME has requested PERB training for next Fiscal Year.
 - h. 2nd Tuesdays at PERB for July has an attendance of 22 people. Chairman Murphy requested the average of attendees for 2nd Tuesday at PERB trainings.
 - i. The Administrative Officer and the Supervisory Attorney Advisor are working towards upgrading and updating the PERB office to create a mediation room and a training center.
- V. Public Forum:
 - a. No public attended.
- VI. Docket:
 - a. The Executive Director summarized the following cases on the docket for Board consideration:

Federation of Administrative Law Judges – D.C. International Federation of Professional and Technical Engineers v. Office of Administrative Hearings

PERB Case No. 17-U-31

On July 6, 2017, the Federation of Administrative Law Judges – D.C., International Federation of Professional and Technical Engineers filed this unfair labor practice complaint against the Office of Administrative Hearings. The Complaint alleges that the Agency violated section 1-617.04(a)(1) and (3) of the D.C. Official Code. The matter was sent to a hearing and the Hearing Examiner's Report and Recommendation is before the Board for disposition.

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

PERB Case No. 19-A-06

The Metropolitan Police Department seeks the Board's review of a February 2019 arbitration award. The award found that MPD was untimely in serving its notice of proposed adverse action on the grievant. The question before the Board is whether the Arbitrator's findings were contrary to law and public policy.

American Federation of Government Employees Local 631 v. Office of Labor Relations and Collective Bargaining

PERB Case No. 19-I-02

The American Federation of Government Employees, Local 631 filed a Request for Impasse Resolution. In response the Office of Labor Relations and Collective Bargaining filed a motion to dismiss. The question before the Board is whether the parties are at impasse concerning dues authorization. The Board adopted a decision in June related to this case but in drafting a final version, inclusive of the Board's comments, a procedural deficiency became apparent. This new version is more consistent with the procedural steps of the Board's rules.

Washington Teachers' Union v. District of Columbia Public Schools

PERB Case No. 19-U-09 – Motion for Preliminary Relief

In relation to an unfair labor practice the WTU has requested preliminary relief pursuant to PERB Rule 520.15. DCPS opposes the motion. The question before the Board is whether WTU's motion establishes reasonable cause to believe that the CMPA has been violated and that the remedial purpose of the law will be served by pendente lite relief.

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

Federation of Administrative Law Judges – D.C. International Federation of Professional and Technical Engineers v. Office of Administrative Hearings

PERB Case No. 17-U-31

Motion for approval: It is moved to adopt the Hearing Examiner’s Report and Recommendation.

Name	In Favor	Opposed	Table
Chairman Charles Murphy	X		
Board Member Mary Anne Gibbons	X		
Board Member Douglas Warshof	X		

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

PERB Case No. 19-A-06

Motion for approval: It is moved that the Board find that the Metropolitan Police Department has presented no grounds for the Board to modify, set aside, or remand the Award; denying the request and dismissing the matter in its entirety with prejudice.

Name	In Favor	Opposed	Table
Chairman Charles Murphy	X		
Board Member Mary Anne Gibbons	X		
Board Member Douglas Warshof	X		

American Federation of Government Employees Local 631 v. Office of Labor Relations and Collective Bargaining

PERB Case No. 19-I-02

Motion for approval: It is moved that the Board reconsiders the June decision and find that the parties have reached impasse concerning the mandatory subject of due authorization. It is moved that the Board finds the existence of a negotiability issue and direct AFGE to file a negotiability appeal within 7 days or to withdraw the issue. Finally, it is moved that impasse proceedings be suspended until the negotiability issue is resolved.

Name	In Favor	Opposed	Table
Chairman Charles Murphy	X		
Board Member Mary Anne Gibbons	X		
Board Member Douglas Warshof	X		

Washington Teachers' Union v. District of Columbia Public Schools

PERB Case No. 19-U-09

Motion for approval: It is moved that the Board deny the motion for preliminary relief on the basis that WTU has failed to establish that there is reasonable cause to believe that the CMPA has been violated and that the remedial purpose of the law will be served by pendente lite relief.

Name	In Favor	Opposed	Table
Chairman Charles Murphy	X		
Board Member Mary Anne Gibbons	X		
Board Member Douglas Warshof	X		

VII. Unfinished Business

VIII. New Business

IX. Adjournment

The meeting adjourned at 12:15 PM.

Prepared by: Andrea Lozada, Program Analyst.