



**May 2019 Board Meeting Minutes**

- I. The regular monthly meeting of PERB was held on Thursday, May 16, 2019, at 11:25 AM at PERB headquarters. Chairman Charles Murphy, presiding. Also present were Board Members Mary Anne Gibbons, Barbara Somson, Douglas Warshof and Ann Hoffman (remotely). Chairman Murphy approved Ms. Hoffman's attendance by phone.
- II. Staff Attendance: Executive Director Clarene Martin, Alexis Anderson, Merlin George, Andrea Lozada, and Royale Simms.
- III. The minutes for April 18, 2019, were adopted as amended.
- IV. Executive Director reported the following:
  - a. Currently there are 27 open cases
  - b. 2<sup>nd</sup> Tuesdays at PERB was held on May 14, 2019, with 23 participants. The topic was Duty to Supply Information.
  - c. In June, PERB will conduct 2<sup>nd</sup> Tuesdays at PERB as scheduled. The topic will be Duty of Fair Representation along with a 30-minute presentation on the proposed rules.
  - d. On April 23-26, PERB held four training sessions for the Fire Department.
  - e. On May 6-10, PERB's attorney-advisors engaged in mediation training with FMCS.
  - f. In June, PERB will begin interviews for the Supervisory Attorney position.
- V. Public Forum
  - a. Merinos Merinos, Criminal Investigation Division for DC Police Union
  - b. Olga Clay, Vice President for Agency Council AFGE Local 1403
- VI. Docket  
The Executive Director summarized the following cases on the docket for Board consideration:

**Board of Trustees of the University of the District of Columbia v. University of the District of Columbia Faculty Association/NEA**

*PERB Case Number 18-N-05*

It was requested by the Executive Director to remove this case from the docket and considered at the June 2019 Board Meeting. The board unanimously agreed.

**Greggory Pemberton v. Fraternal Order of Police/Metropolitan Police  
Department Labor Committee**

*PERB Case No. 18-S-02*

Greggory Pemberton filed this standard of conduct complaint alleging that the Fraternal Order of Police/Metropolitan Police Department Labor Committee violated section 1-617.03(a)(1) and (2) of the D.C. Official Code. A hearing was held on September 17 and October 23, 2018. The Hearing Examiner's Report and Recommendation is before the Board for disposition.

**American Federation of Government Employees, Local 1403 v. District of Columbia  
Department of Health**

*PERB Case No. 18-U-02*

On October 16, 2017, the American Federation of Government Employees, Local 1403 filed this unfair labor practice complaint. The complaint alleges that the District of Columbia Department of Health committed an unfair labor practice by unilaterally changing the performance evaluation system, without notice or an opportunity to bargain the impact and effects of the change. The Department of Health filed an Answer on October 30, 2017, denying that it committed an unfair labor practice and requesting dismissal of the Complaint. On April 18, 2019, the Board tabled this matter, now it is again before the Board for disposition.

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

*PERB Case No. 19-A-04*

On February 5, 2019, the Metropolitan Police Department filed this Arbitration Review Request seeking review of an arbitration award issued on January 14, 2019. The Award granted a grievance filed by the Fraternal Order of Police/Metropolitan Police Department Labor Committee. The Metropolitan Police Department seeks review of the Award on the grounds that it is contrary to law and public policy.

**Fraternal Order of Police/ Metropolitan Police Department Labor Committee (Ofc.  
Taunya Johnson) v. Metropolitan Police Department**

*PERB Case No. 19-E-03*

On March 29, 2019, the Fraternal Order of Police/Metropolitan Police Department Labor Committee filed a Petition for Enforcement alleging that the Metropolitan Police Department has failed to comply with the Board's Decision in Slip Opinion 1644, issued on October 19, 2017. The Metropolitan Police Department filed an opposition to the Petition but does not contest the facts. The Petition for Enforcement is now before the Board for disposition.

**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.

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:

**Greggory Pemberton v. Fraternal Order of Police/Metropolitan Police Department Labor Committee**

*PERB Case Number 18-S-02*

It was moved to adopt the Hearing Examiner’s Report and Recommendation. The standard of conduct complaint was granted.

<b>Name</b>	<b>In Favor</b>	<b>Opposed</b>	<b>Table</b>
Chairman Charles Murphy	X		
Board Member Mary Anne Gibbons	X		
Board Member Ann Hoffman	X		
Board Member Barbara Somson	X		
Board Member Douglas Warshof	X		

**American Federation of Government Employees, Local 1403 v. District of Columbia Department of Health**

*PERB Case Number 18-U-02*

It was moved to deny the unfair labor practice complaint and dismiss the matter with prejudice. The motion was approved.

<b>Name</b>	<b>In Favor</b>	<b>Opposed</b>	<b>Table</b>
Chairman Charles Murphy	X		
Board Member Mary Anne Gibbons	X		
Board Member Ann Hoffman	X		
Board Member Barbara Somson	X		
Board Member Douglas Warshof	X		

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

*PERB Case Number 19-A-04*

It was moved that the Metropolitan Police Department has presented no grounds for the Board to modify, set aside or remand the Award and that the Metropolitan Police Department’s request be denied, and the matter dismissed in its entirety with prejudice. The motion was approved.

<b>Name</b>	<b>In Favor</b>	<b>Opposed</b>	<b>Table</b>
Chairman Charles Murphy	X		
Board Member Mary Anne Gibbons	X		
Board Member Ann Hoffman	X		
Board Member Barbara Somson	X		
Board Member Douglas Warshof	X		

**Fraternal Order of Police/ Metropolitan Police Department Labor Committee (Ofc. Taunya Johnson) v. Metropolitan Police Department**

*PERB Case Number 19-E-03*

It was moved that the uncontested facts establish the Union's entitlement to relief, therefore:

1. The Fraternal Order of Police/Metropolitan Police Department Labor Committee's petition for enforcement was granted.
2. The Board ordered the Metropolitan Police Department to fully comply with the terms of the Award within ten (10) days from the issuance of this Decision and Order, if it has not already done so, and to notify the Public Employee Relations Board in writing that it has complied.
3. The Board will proceed with enforcement of Slip Opinion 1644 pursuant to D.C. Official Code §§ 1-605.02(16) and 1-617.13(b) if full compliance with the Award is not made and documented within ten (10) days of the issuance of this Decision and Order.

<b>Name</b>	<b>In Favor</b>	<b>Opposed</b>	<b>Table</b>
Chairman Charles Murphy	X		
Board Member Mary Anne Gibbons	X		
Board Member Ann Hoffman	X		
Board Member Barbara Somson	X		
Board Member Douglas Warshof	X		

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

*PERB Case Number 17-U-31*

This matter was remanded to the Hearing Examiner for the purpose of determining whether to accept the Union's supplemental information and, if so, to determine whether it alters the Recommendation.

<b>Name</b>	<b>In Favor</b>	<b>Opposed</b>	<b>Table</b>
Chairman Charles Murphy	X		
Board Member Mary Anne Gibbons	X		
Board Member Ann Hoffman	X		
Board Member Barbara Somson	X		
Board Member Douglas Warshof	X		

VII. Unfinished Business

VIII. New Business

The Board made certain recommendations including the addition of ‘Pending Mediations and Hearings’ to the monthly case management report and to post 2<sup>nd</sup> Tuesday at PERB training materials on the PERB website.

IX. Adjournment

The meeting adjourned at 1:19 PM.

Prepared by: Andrea Lozada, Program Analyst.