



GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD

March Board Meeting Minutes

- I. The regular monthly meeting of PERB was held on March 21st, 2019 at 11:00 AM at PERB headquarter. Chairman Charles Murphy, Board Member Ann Hoffman, Board Member Mary Anne Gibbons, Board Member Barbara Somson, and Board Member Douglas Warshof were present.
- II. Staff Attendance: Executive Director Clarene Martin, Alexis Anderson, Merlin George, Andrea Lozada, and Royale Simms.
- III. The minutes for February 21st, 2019, were approved and adopted.
- IV. Executive Director reported the following:
 - a. Second Tuesdays at PERB was held March 12th, 2019, with an attendance of fifteen (15) people. the training was conducted by John Higgins. The topic was on Arbitration including a DVD presentation.
 - b. The mediation report shows that PERB currently has 8 cases pending mediation and/or are already in the mediation process. It is noted that PERB is scheduling mediations within 30 days of filing date, therefore meeting the Performance Goal.
 - c. Superior Court and Court of Appeals report was presented.
 - d. The website search issue was attributable to the misclassifications of certain cases. Reclassifications, where needed, has been done but does not appear on the public view of the site. OCTO is working to find resolution.
- V. FY2020 Budget Presentation by Paul Blake, Agency Fiscal Officer (AFO)

The AFO shared a copy of the proposed FY 2020 budget, explained the budget process with District of Columbia Government, Congress, and the Mayor and went over FY2019 and proposed FY2020 approved budget. Mr. Blake introduced Dina Bates as another member of the Finance team for PERB at the OCFO.

- VI. Public Forum
 - a. Public member was present, however he preferred not to introduce himself.
- VII. Docket
The Executive Director summarized the following cases on the docket for Board consideration:

Metropolitan Police Department v. Fraternal Order of Police
PERB Case No. 18-A-17

The Board tabled this matter at the December 2018 meeting. MPD filed an Arbitration Review Request seeking the Board's review of an award that failed to toll the 90-day statute of limitations. The award excluded days, during which the allegations were the subject of a criminal investigation by the United States Attorney's Office. MPD argues that this is contrary to law and public policy. The matter is now before the Board for a decision.

National Association of Government Employees and D.C. Office of the Chief Medical Examiner
PERB Case No. 18-RC-02

On December 20, 2018, the Board issued a Decision and Order directing an on-site election to determine whether a majority of employees in the specified bargaining unit desire to be represented by the National Association of Government Employees, the Alliance of Independent Workers, or no union. The results of that election are now before the board for certification.

Clarence Sykes v. Department of Transportation

PERB Case No. 18-U-37 MFR

The petitioner filed this Motion for Reconsideration in response to an administrative dismissal. The petitioner is an employee with the District of Columbia Department of Transportation; he filed an unfair labor practice complaint regarding a denial of paid sick leave. The Executive Director administratively dismissed the complaint because it was untimely. Here, the motion for reconsideration argues that dismissal was improper and ask the Board to reverse based on a continuing violation theory.

Local 1199, Service Employees International Union v. D.C. Department of Behavioral Health

PERB Case No. 19-UM-01

The Service Employees International Union, Local 1199 and the District of Columbia Department of Behavioral Health filed this joint petition for unit modification. The parties request that the Board amend Certification No. 68 to reflect a change in the identity of the employing agency.

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

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

Metropolitan Police Department v. Fraternal Order of Police

PERB Case No. 18-A-17

It was moved and seconded and unanimously decided:

The Board grants MPD's Arbitration Review Request and sets aside the Arbitrator's holding that MPD violated the 90-day rule and further remands the matter back to the Arbitrator for further proceedings.

Name	In Favor	Opposed	Table
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		

National Association of Government Employees and D.C. Office of the Chief Medical Examiner

PERB Case No. 18-RC-02

It was moved and seconded and unanimously decided:

To certify the results of the election held on March 12, 2019 at the Office of the Chief Medical Examiner.

Name	In Favor	Opposed	Table
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		

Clarence Sykes v. Department of Transportation

PERB Case No. 18-U-37 MFR

It was moved and seconded and unanimously decided:

To adopt staff's recommendation, deny the Motion for Reconsideration.

Name	In Favor	Opposed	Table
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		

Local 1199, Service Employees International Union v. D.C. Department of Behavioral Health

PERB Case No. 19-UM-01

It was moved and seconded and unanimously decided:

To grant the petition for unit modification. The unit for which the Service Employees International Union, Local 1199 is certified as the exclusive bargaining representative is modified and will be described as:

All Licensed Social Workers employed by the Department of Behavioral Health, excluding all other classifications of workers, all other classifications of Social Workers, all management officials, supervisors, confidential employees, employees engaged in personnel work other than in a purely clerical capacity and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

Name	In Favor	Opposed	Table
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		

VIII. Unfinished Business

a. Board Rules:

- The Board resumed its discussion of the proposed rules.

It was moved and seconded that the Board adopt the draft Rules as presented and send

Name	In Favor	Opposed	Table
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		

IX: New Business

The Board discussed the February 14 Council Performance hearing and the Performance Plan attached to the budget handout. The Board by consensus requested the Executive Director to provide the missing KPI data for FY'16, FY'17 and FY'18 and, where feasible, set higher targets in the future. Also, the Board wants clarification of certain categories and funding appearing in the budget handout.

The meeting adjourned at 1:57:03 PM.

Prepared by: Andrea Lozada, Program Analyst.