



## MINUTES

The regular monthly meeting of PERB was held on May 18, 2017, at 11:12 a.m. at PERB headquarters. Chairman Charles Murphy, presiding, and Board members Ann Hoffman and Douglas Warshof being present. Board Member Barbara Somson was absent

Staff attendance: Executive Director Clarene Phyllis Martin, Lindsey Maxwell, Colby Harmon, Alexis Anderson, Merlin George, Najibah Almahdi and Yvonne Waller.

From the Public: Barbara Milton, Jonathan Shanks, Howard Coles, Kevin Jenkins, Crystal Roberts, Clifford Dozier, Barry Carey and Michelle Hunter.

Minutes from the April 13, 2017 meeting were approved.

Executive Director Martin reported the following:

Colby Harmon met with OCTO and received pricing for upgrading website.

Executive Director Martin received from Council a draft budget increase for Board member stipends and \$25,000 in training.

As of April 30, 2017

- Closed cases – 67
- Received 4 new cases
- Remaining open cases- 60

## Docket

Lindsey Maxwell summarized the following four cases appearing on the case docket

### **A. Fraternal Order of Police v. Metropolitan Police Department**

PERB Case Nos. 11-U-48

This Unfair Labor Practice Complaint was filed by FOP alleging that MPD violated D.C. Official Code §§ 1-617.04(a)(1) and (b) of the Comprehensive Merit Personnel Act (“CMPA”) by denying administrative leave in retaliation for the Union members’ protected disclosure to the City Council regarding the improper use of on-duty sworn personnel to staff private events.

**B. Metropolitan Police Department v. Fraternal Order of Police**  
PERB Case No. 16-A-11

Before the Board is an Arbitration Review Request filed by MPD requesting the Board to review an arbitration award that sustained the grievance filed by FOP on behalf of Officer Michael Muldrow (“Grievant”). MPD asserts in its Request that the award of 4% prejudgment interest and 10% post-judgment interest exceeds the Arbitrator’s jurisdiction and is contrary to law and public policy.

**C. Compensation Unit 31 and D.C. Water and Sewer Authority**  
PERB Case No. 16-N-02

Compensation Unit 3, consisting of AFGE Locals 631, 872, and 2553; AFSCME Local 2091; and NAGE Local R3-06 filed a Negotiability Appeal from the WASA’s written declaration of the non-negotiability of three proposals Comp. Unit 31 made during the parties’ negotiation of a successor compensation agreement. Those proposals are now before the Board for its consideration.

**D. University of the District of Columbia Faculty Association v. University of the District of Columbia**  
PERB Case No. 17-A-05

The UDC Faculty Association filed this Arbitration Review Request seeking review of an arbitration award that denied the grievances of two UDC employees who were terminated pursuant to a reduction in force. UDCFA asserts that the Arbitrator exceeded his authority.

**E. AFGE Local 2087 v. Department of Health**  
PERB Case No. 17-U-19

AFGE Local 2987 filed this unfair labor practice complaint alleging that DOH violated the CMPA by utilizing a Department realignment as a pretext to effectuate prohibited and discriminatory personnel actions against four bargaining unit members because of their involvement and participation in the union.

**F. DCNA v. DOC and FEMS**  
PERB Case No. 17-UC-01

DCNA filed this Unit Clarification Petition seeking to clarify the scope of the unit with respect to three Nurse Consultant positions at the District of Columbia Fire and Emergency Medical Services (“FEMS”) and one Nurse Consultant position at the District of Columbia Department of Corrections (“DOC”). FEMS and DOC, through the

Office of Labor Relations and Collective Bargaining (OLRCB), do not object to the inclusion of these positions in the bargaining unit.

**G. Federation of Administrative Law Judges and Office of Administrative Hearings**

PERB Case No. 17-UM-01

The Federation of Administrative Law Judges and the Office of Labor Relations and Collective Bargaining (“OLRCB”), on behalf of the Office of Administrative Hearings jointly filed this petition for unit modification. No objections or requests to intervene were received from any employees or labor organizations.

Board Chair Murphy 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 of Case No.16-N-02, the meeting resumed at which time the Board voted on the following case:

**Compensation Unit 31 and D.C. Water and Sewer Authority**

PERB Case No. 16-N-02

It was moved and seconded that Compensation Unit 31’s proposal is nonnegotiable.

Member	In Favor	Opposed	Tabled
Ann Hoffman	X		
Charles Murphy	X		
Douglas Warshof	X		

Thereafter, the deliberations continued in closed session. The meeting later resumed at which time the Board voted on the following:

**Fraternal Order of Police v. Metropolitan Police Department**

PERB Case Nos. 11-U-48

It was moved and seconded that the Complaint be dismissed in its entirety.

Member	In Favor	Opposed	Tabled
Ann Hoffman	X		
Charles Murphy	X		
Douglas Warshof	X		

**Metropolitan Police Department v. Fraternal Order of Police**

PERB Case No. 16-A-11

It was moved and seconded that the MPD's Arbitration Review Request is denied and the matter is dismissed in its entirety with prejudice.

Member	In Favor	Opposed	Tabled
Ann Hoffman	X		
Charles Murphy	X		
Douglas Warshof	X		

**University of the District of Columbia Faculty Association v. University of the District of Columbia**

PERB Case No. 17-A-05

It was moved and seconded that UDCFA's Arbitration Review Request is denied and the matter is dismissed with prejudice.

Member	In Favor	Opposed	Tabled
Ann Hoffman	X		
Charles Murphy	X		
Douglas Warshof	X		

**AFGE Local 2087 v. Department of Health**

PERB Case No. 17-U-19

It was moved and seconded that AFGE Local 2987's complaint is dismissed with prejudice.

Member	In Favor	Opposed	Tabled
Ann Hoffman	X		
Charles Murphy	X		
Douglas Warshof	X		

**DCNA v. DOC and FEMS**

PERB Case No. 17-UC-01

It was moved and seconded that the Unit Clarification Petition filed by the District of Columbia Nurses Association is granted.

Member	In Favor	Opposed	Tabled
Ann Hoffman	X		
Charles Murphy	X		
Douglas Warshof	X		

**Federation of Administrative Law Judges and Office of Administrative Hearings**

PERB Case No. 17-UM-01

It was moved and seconded that the Petitioners' Joint Petition for Compensation Unit Modification is granted.

Member	In Favor	Opposed	Tabled
Ann Hoffman	X		
Charles Murphy	X		
Douglas Warshof	X		

The meeting was adjourned at 12:42 p.m.

Prepared by: Yvonne P. Waller, Administrative Officer