



MINUTES

- I. The regular monthly meeting of PERB was held on January 17, 2019, 11:25 a.m. at PERB headquarters. Chairman Charles Murphy presiding, Board Member Ann Hoffman, Board Member Barbara Somson, Board Member Mary Anne Gibbons and Board Member Douglas Warshof were present.
- II. Staff attendance: Executive Director Clarene Phyllis Martin, Lindsey Maxwell, David McFadden, Merlin George, Royale Simms, Najibah Almahdi and Andrea Lozada
- III. The minutes for December are tabled until the next meeting.
- IV. Executive Director reported the following:
 - December Case Management Report:
 - Administratively Dismissed: 0
 - Cases Settled/Withdrawn: 0
 - Closed by Decision and Order: 2
 - Number of Cases Opened in December: 2
 - Number of Cases Closed in December: 2
 - Total Number of Cases Closed in FY '19: 11
 - Total Number of Cases Opened in FY '19:10
 - Total Number of Cases Open: 32
 - Total Hearings: 7
 - Total Mediations: 5
 - The Mayor has appointed Lindsey Maxwell to the position of Director of the Office of Labor Relations and Collective Bargaining. Interviews will commence shortly for a replacement for Mr. Maxwell. Two board members should be assigned to assist with the interview process.
 - Performance Hearings will be held between February 13th and 15th. The staff is currently preparing the packet to submit to the Council. The Board asked to review the packet before it is submitted.
- V. Public Forum- There was no attendance from the public.

VI. Docket:

The Executive Director summarized the following (4) cases appearing on the case docket for Board consideration.

A. Water and Sewer Authority v. American Federation of Government Employees, Local 631

PERB Case No. 18-A-15

Presenter: David McFadden

This case was tabled at the November meeting. American Federation of Government Employees, Local 631 WASA filed this Arbitration Review Request seeking review of an award issued as a result of a group grievance filed by the union in which the Arbitrator upheld the grievance, ordered the Authority to restore the status quo ante, and awarded attorneys' fees. The Authority appeals the Award on grounds that it violates law and public policy.

B. American Federation of Government Employees, Local 1975 v. District of Columbia Department of Motor Vehicles

PERB Case No. 18-A-18

Presenter: Royale Simms

This Arbitration Review Request was filed by the American Federation of Government Employees, Local 1975 seeking review of the Award on the single issue of Attorney Fees.

C. American Federation of Government Employees, Local 1975 v. District of Columbia Department of Motor Vehicles

PERB Case No. 18-A-19

Presenter: Royale Simms

This Arbitration Review Request filed by District of Columbia Department of Motor Vehicles seeks a review of the Award issued in favor of the American Federation of Government Employees, Local 1975. The Department of Motor Vehicles asserts that the Award is contrary to law and public policy and that the Arbitrator exceeded his authority in reaching his decision because it improperly held that the duty to bargain during impact and effects negotiation, extended until the parties reached agreement or impasse.

D. Metropolitan Police Department v. Fraternal Order of Police/
Metropolitan Police Department Labor Committee
PERB Case No. 19-A-01
Presenter: Merlin George

This Arbitration Review Request filed by the Metropolitan Police Department seeks a review of the Arbitrator's decision. The Metropolitan Police Department asserts that the Arbitrator exceeded his jurisdiction.

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

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

Water and Sewer Authority v. American Federation of Government Employees, Local 631
PERB Case No. 18-A-15

It was moved and seconded and unanimously decided as follows:

1. The Award of attorneys' fees and costs is set aside. The Board remands the case to the Arbitrator to reconsider his remedy in the light of this opinion and to issue an award consistent therewith.
2. In all other respects, the Award is affirmed.
3. Pursuant to Board Rule 559.1, this decision and order is final upon issuance.

Member	In Favor	Opposed	Table
Charles Murphy	X		
Ann Hoffman	X		
Barbara Somson	X		
Mary Anne Gibbons	X		
Douglas Warshof	X		

American Federation of Government Employees, Local 1975 v. District of Columbia
Department of Motor Vehicles
PERB Case No. 18-A-18

It was moved and seconded and unanimously decided as follows:

The Board accepts the argument from the American Federation of Government Employees, Local 1975 and finds cause to remand the arbitration award, with instructions to the arbitrator to issue findings on attorney fees consistent with this award. Accordingly, the American Federation of Government Employees, Local 1975's request is granted.

Member	In Favor	Opposed	Table
Charles Murphy	X		
Ann Hoffman	X		
Barbara Somson	X		
Mary Anne Gibbons	X		
Douglas Warshof	X		

American Federation of Government Employees, Local 1975 v. District of Columbia
Department of Motor Vehicles
PERB Case No. 18-A-19

It was moved and seconded and unanimously decided as follows:

The Board rejects the Arbitrator's rationale concerning the obligation to bargain to agreement or impasse during impact and effects negotiations. The Board sustains the Award based on the Arbitrator's finding that the parties failed to engage in good faith negotiations. Accordingly, the Board denies DMV's request, and the award is enforceable as written.

Member	In Favor	Opposed	Table
Charles Murphy	X		
Ann Hoffman	X		
Barbara Somson	X		
Mary Anne Gibbons	X		
Douglas Warshof	X		

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

PERB Case No. 19-A-01

It was moved and seconded and unanimously decided as follows:

The Board rejects the arguments from the Metropolitan Police Department and finds no cause to set aside or modify the Arbitrator's Award. Accordingly, MPD's request is denied and the matter is dismissed in its entirety.

Member	In Favor	Opposed	Table
Charles Murphy	X		
Ann Hoffman	X		
Barbara Somson	X		
Mary Anne Gibbons	X		
Douglas Warshof	X		

The meeting adjourned at 12:28 p.m.

Prepared by: Najibah Almahdi, Administrative Officer