



**MINUTES**

- I. The regular monthly meeting of PERB was held on January 18, 2018, at 12:00 p.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, David McFadden, Merlin George, Alexis Anderson and Najibah Almahdi.
- III. December 21, 2017 minutes were approved as amended.
- IV. Executive Director reported the following:
  - She had contacted Commander Ennis of MPD to discuss details of possible March training sessions. Dates will be finalized next month.
  - She is scheduled to meet with Chief Dean of FEMS to discuss training for top level managers.
  - NAGE representatives will attend a training with PERB in February.
  - The January Second Tuesdays at PERB was held 1/9/18. The topics discussed were Duty of Fair Representation and Standards of Conduct. The next training will be held 2/13/18. Arbitration will be the topic of discussion.
  - She has submitted the District Fleet/ Chauffeur Usage Report to the Department of Public Works. PERB does not use District vehicles.
- V. Public Forum- There was no attendance from the public.
- VI. Docket

Director Martin summarized the following four cases appearing on the case docket for Board Consideration.

**A. Tyrone Jenkins and Stephanie McKinnon v. Mayor Muriel Bowser**  
**PERB Case No. 15-U-31**

Complainants filed an Unfair Labor Practice complaint alleging that the Department of Corrections and its officers committed unfair labor practices in connection with meetings they held with the warden and the roll call that Jenkins attempted to attend.

**B. Candi Peterson v. Elizabeth A. Davis and Washington Teachers' Union, Local 6, AFL-CIO**  
**PERB Case No. 16-S-03**

Complainant Peterson filed a Standards of Conduct complaint against the Washington Teachers' Union, Local 6, AFL-CIO and its President Elizabeth Davis alleging three violations. Count one: Davis marginalized Peterson in the affairs of the union upon Peterson's election as the union's General Vice President by assigning her supervisory duties to other personnel in the union staff. Count two: Davis deprived Peterson of her duty to convene the election committee for periodic elections by assigning those duties to others. Count three: Davis paid her executive assistant more than the \$70,000 approved by the union's executive board, and may have paid the difference out of an improper account. Peterson requests an order directing Davis to cease and desist from paying money out of an improper account which compromises the fiscal integrity of the union; and requiring Davis to restore all monies wrongfully taken and produce a financial report; and to restore complainant's duties.

**C. Fraternal Order of Police/Metropolitan Police Department Labor Committee v. District of Columbia Metropolitan Police Department**  
**PERB Case Nos. 18-U-04, 18-U-06, 17-U-26**

FOP/Metropolitan Police Department Labor Committee filed three unfair labor practice complaints. Each of these complaints alleges that the Metropolitan Police Department committed an unfair labor practice by refusing to abide by an arbitration award. The arbitrators in each of these cases reversed the termination of police officers and reinstated them with back pay and benefits. MPD asserts that it has not committed an unfair labor practice and the complaints should be dismissed.

**D. AFGE, Local 3721 v. District of Columbia Fire and Emergency Medical Services**  
**PERB Case No. 16-N-03**

The agency requests that the board reconsider its decision and order and declare section 1 of proposal 6 and section 10 of proposal 10 non-negotiable. The American Federation of Government Employees, Local 3721 did not file a response to the motion for reconsideration.

Board Chairman 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 the meeting was opened to the public. The Board voted as follows:

**Tyrone Jenkins and Stephanie McKinnon v. Mayor Muriel Bowser**  
**PERB Case No. 15-U-31**

It was moved and seconded and unanimously decided to dismiss McKinnon’s complaint without prejudice. The Board has decided to order the Department of Corrections to cease and desist from the following activities: issuing a memorandum to Jenkins implying that he had violated certain policies in representing an employee at an interview; and ordering Jenkins and any other similarly situated employees to exit roll call meetings of unit employees that he and they are authorized to attend. The Board further found that Jenkins’ suspension was a violation. The Board ordered that Jenkins be made whole and that any documents related to the suspension be removed from his personnel file, including the March 18, 2015 memorandum that was issued. The Board also ordered that notices be posted of these violations.

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

**Candi Peterson v. Elizabeth A. Davis and Washington Teachers’ Union, Local 6,**  
**AFL-CIO**  
**PERB Case No. 16-S-03**

It was moved and seconded and unanimously decided to dismiss the complaint. The Board has agreed to adopt the findings and conclusions of the Hearing Examiner’s Report and Recommendation.

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

**Fraternal Order of Police/Metropolitan Police Department Labor Committee v. District of Columbia Metropolitan Police Department**  
**PERB Case Nos. 18-U-04, 18-U-06, 17-U-26**

It was moved and seconded and unanimously found that MPD violated section 1-617.04 (a) (1) and (5) of the CMPA by failing to implement the arbitrator’s awards. The Board denied MPD’s Motion to Dismiss 17-U-26 as untimely. The Board dismissed Chief Peter Newsham as a party.

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

**AFGE, Local 3721 v. District of Columbia Fire and Emergency Medical Services**  
**PERB Case No. 16-N-03**

It was moved and seconded and unanimously decided to grant the motion for an enlargement of time. The Board decided to deny the motion for reconsideration concerning Section 1 of Proposal 6 and Section 10 of Proposal 10.

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

The meeting was adjourned at 2:09 p.m.

Prepared by:  
Najibah Almaahdi, Program Analyst