



MINUTES

- I. The regular monthly meeting of PERB was held on December 20, 2018, 11:05 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, Alexis Anderson and Royale Simms and Najibah Almahdi
- III. The minutes for November were approved as amended.
- IV. Executive Director reported the following:
 - November Case Management Report:
 - Administratively Dismissed: 0
 - Cases Settled/Withdrawn: 2
 - Closed by Decision and Order: 4
 - Number of Cases Opened in November: 4
 - Number of Cases Closed in November: 6
 - Total Number of Cases Closed in FY '19: 9
 - Total Number of Cases Opened in FY '19: 7
 - Total Number of Cases Open: 34
 - Total Hearings: 2
 - Total Mediations: 4
 - Construction of the wall dividing the PERB suite from the former OEA office began this month.
 - On November 19th the Council held the Confirmation Hearing for Board Member Warshof. On December 5th he was sworn in for another term on the Public Employee Relations Board.
 - Second Tuesday's at PERB has been rescheduled due to a change in the location. The topic of the training will be "The X Factor and the Inner Game of Arbitration".
- V. Public Forum- There was no attendance from the public.

VI. Docket:

Lindsey Maxwell summarized the following five (5) cases appearing on the case docket for Board consideration.

- A. Fraternal Order of Police/Metropolitan Police Department of Youth Rehabilitation Services Committee v. Department of Youth Rehabilitation Services

PERB Case No. 17-U-18

On January 23, 2017, FOP filed this unfair labor practice complaint against DYRS alleging that DYRS violated the CMPA by failing to bargain in good faith regarding the establishment and implementation of a seniority-based bidding system.

- B. District of Columbia Public Schools v. Washington Teachers Union Local 6, American Federation of Teachers, AFL-CIO

PERB Case No. 18-A-13

On July 20, 2018, DCPS filed this Arbitration Review Request seeking review of an arbitration award issued on July 9, 2018, granting the grievance filed by WTU. DCPS seeks review of the Award claiming it is contrary to law and public policy.

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

PERB Case No. 18-A-17

On August 14, 2018, MPD filed this Arbitration Review Request seeking review of an arbitration award issued on July 24, 2018, granting the grievance filed by FOP. MPD seeks review of the Award claiming it is contrary to law and public policy.

- D. National Association of Government Employees v. District of Columbia Office of the Chief Medical Examiner

PERB Case No. 18-RC-02

On April 16, 2018, NAGE filed this Petition for Recognition seeking to represent a bargaining unit of non-professional employees employed by the Office of the Chief Medical Officer for the purpose of collective bargaining.

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

PERB Case No. 19-E-01

On November 16, 2018, the FOP/MPD Labor Committee filed this Petition for Enforcement alleging that MPD failed to comply with the Board's order in FOP/MPD Labor Committee v. MPD, Slip Op. No. 1674, PERB Case No. 18-U-19. The petition is now before the Board for its consideration.

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 passed unanimously. The meeting was closed for deliberations.

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

Fraternal Order of Police/Metropolitan Police Department of Youth Rehabilitation Services Committee v. Department of Youth Rehabilitation Services
 PERB Case No. 17-U-18

It was moved and seconded and unanimously decided as follows:

The Board has reviewed the findings, conclusions, and recommendations of the Hearing Examiner, and it appears that DYRS did not violate section 1-617.04(a)(1) and (5) of the D.C. Official Code. Therefore, the Complaint is dismissed.

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

District of Columbia Public Schools v. Washington Teachers Union Local 6, American Federation of Teachers, AFL-CIO
 PERB Case No. 18-A-13

It was moved and seconded and unanimously decided as follows:

The Board rejects DCPS’ arguments and finds no cause to modify, set aside, or remand the Award and therefore denies DCPS’ request and dismisses this matter with prejudice.

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. 18-A-17

It was moved and seconded and unanimously decided as follows:

The Board rejects MPD's arguments and finds no cause to modify, set aside, or remand the Award and therefore denies MPD's request and dismisses this matter with prejudice.

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

National Association of Government Employees v. District of Columbia Office of the Chief Medical Examiner

PERB Case No. 18-RC-02

It was moved and seconded and unanimously decided as follows:

1. The following unit is an appropriate unit for collective bargaining over terms and conditions of employment:

All non-professional employees employed by the District of Columbia Office of the Chief Medical Examiner, excluding all management officials, supervisors, confidential employees or any 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.

2. An on-site ballot election shall be held in accordance with the provisions of D.C. Official Code § 1-617.10 and Board Rules 510, 511, 513, 514, and 515 in order to determine whether a majority of eligible employees in the above-described unit desire to be represented by either the National Association of Government Employees, the Alliance of Independent Workers, or no union.

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

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

PERB Case No. 19-E-01

It was moved and seconded and unanimously decided as follows:

1. The Fraternal Order of Police/Metropolitan Police Department Labor Committee's petition for enforcement be granted, and
2. The Board proceed with enforcement of Opinion No. 1674 pursuant to sections 1-605.02(16) and 1-617.13(b) of the D.C. Official Code if full compliance with Opinion No. 1674 is not made and documented within ten (10) days of the issuance of this Decision and Order.

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 12:05 p.m.

Prepared by: Najibah Almahdi, Administrative Officer