



MINUTES

- I. The regular monthly meeting of PERB was held on December 21, 2017, at 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 (via conference call), were present.
- II. Staff attendance: Executive Director Clarene Phyllis Martin, Lindsey Maxwell, David McFadden, Merlin George and Najibah Almahdi.
- III. November 30, 2017 minutes were approved as amended.
- IV. Executive Director Clarene Martin reported the following:
 - A. Monthly Achievements:
 - A budget meeting is scheduled for January 5, 2018 with OFRM in order to discuss enhancements to the FY '19 budget.
 - On December 18, 2017 Director Martin attended the Council mark up of legislation reappointing Barbara Somson to the Board.
 - Second Tuesdays at PERB was held on December 5, 2017 on the topic of negotiability appeals and subjects of bargaining. The next training is scheduled for January 9, 2018. The topic will be Duty of Fair Representation and Standards of Conduct.
 - District of Columbia has implemented a Sexual Harassment Policy for all District employees. The policy has been distributed to all PERB staff and Board members. The Administrative Officer will be trained as an investigator. The District will hold training for all District agencies.
 - The Chief of Fire and EMS agreed to training of his Commander Staff.
 - All PERB attorneys have been certified as members of the D.C. Bar.
 - Director Martin's Proof of Residency has been certified by the District.
 - B. Annual Performance Review
 - The FY '17 Performance Measures Report was submitted to the Office of Performance Management. A Powerpoint presentation of the results was shown and discussed. Board members provided feedback as well as guidance for FY '18 performance reporting.
- IV. Public Forum- There was no attendance from the public.

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.

V. Docket

Lindsey Maxwell summarized the following two cases appearing on the case docket for Board consideration.

A. Gerald G. Neill Jr. v. FOP/MPD Labor Committee
PERB Case 10-S-04

Complainant, Gerald Neill, filed his standards of conduct claim against the FOP alleging that FOP violated its own bylaws in failing to provide him with legal representation.

B. AFGE, AFL-CIO, Local 631 v. WASA
PERB Case 16-U-19

This case was tabled at the November 2017 meeting. AFGE, Local 2741 filed this unfair labor practice complaint against DGS. The Union alleged that DGS violated D.C. Official Code § 1-617.04(a)(1) and (5) by failing to bargain in good faith and interfering with and restraining employees in the exercise of rights protected under the D.C. Official Code and by not providing relevant and necessary information upon request. The Union requested that the Board order DGS to desist from violations of the D.C. Official Code in the manner alleged; provide the Union with all requested bargaining information; meet with the Union; timely process grievances filed by the Union; post a notice to all employees.

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

Gerald G. Neill Jr. v. FOP/MPD Labor Committee
PERB Case 10-S-04

The Board adopted the Hearing Examiners' Recommendation that Neill knew or should have known of the alleged violation in 2001 and the Board found that Neill's Complaint was untimely under PERB Rule 544.4. It was moved and seconded and unanimously decided to dismiss.

Member	In Favor	Opposed	Tabled
Charles Murphy	X		
Ann Hoffman	X		
Douglas Warshof	X		
Barbara Somson	X		
Mary Anne Gibson	X		

AFGE, AFL-CIO, Local 631 v. WASA
PERB Case 16-U-19

The Board found that DGS provided most of the information requested by the Union on June 6, 2016, and supplied the remaining information and documents on July 14, 2016 and that such a delay that is not unreasonable under the circumstances of this case. Therefore, DGS met its statutory duty of good faith bargaining and did not violate D.C. Official Code § 1-617.04(a)(1) and (5). Accordingly the Complaint was moved and seconded and unanimously decided to dismiss with prejudice.

Member	In Favor	Opposed	Tabled
Charles Murphy	X		
Ann Hoffman	X		
Douglas Warshof	X		
Barbara Somson	X		
Mary Anne Gibson	X		

VI. Old Business

The Board also discussed final language for the D&O in AFGE, AFL-CIO, Local 631 v. WASA, voted on by the Board at its November meeting.

The meeting was adjourned at 1:09 p.m.

Prepared by:
Najibah Almahdi, Program Analyst