



MINUTES

The regular monthly meeting of PERB was held on March 23, 2017, at 12:04 p.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, David McFadden, Alexis Anderson, Merlin George, Najibah Almahdi and Yvonne Waller.

Minutes from the February 23, 2017 meeting were approved.

Executive Director Martin reported the following:

As of February 28, 2017

- Closed cases – 53
- Received 5 new cases
- Remaining open cases- 63

Staff is scheduled to take EEO training during the months of April and May.

PERB issued the agency's Gender Identity Expression Policy.

Due to inclement weather, the Agency did not conduct its Second Tuesdays at PERB training session on March 14, 2017. The next session will be held April 11, 2017.

PERB's budget hearing is April 27, 2017.

Pat Waller is retiring May 26, 2017.

Docket

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

A. MPD v. FOP/MPD Labor Committee

PERB Case Nos. 16-A-06, 16-A-15 and 16-A-17

In February, July and August of 2016 respectively, MPD filed three Arbitration Review Requests seeking review of three arbitration awards that awarded FOP attorney fees and costs; awards that MPD argues exceeded the arbitrator's authority.

B. UDC Faculty Association v. UDC

PERB Case No. 16-N-01

On February 23, 2016, the University of the District of Columbia Faculty Association filed a Negotiability Appeal. The Association and the University of the District of Columbia are negotiating their Eighth Master Agreement and the Faculty Association seeks the Board's determination on fifteen subjects in the Association's proposal that UDC argues are nonnegotiable.

C. Compensation Unit 31 and WASA

PERB Case No. 16-N-02

Compensation Unit 31, consisting of the American Federation of Government Employees, Locals 631, 872, and 2553, American Federation of State, County, and Municipal Employees, Local 2091, and the National Association of Government Employees, Local R3-06 filed this Negotiability Appeal after WASA's written declaration of nonnegotiability of three of Comp. Unit 31's proposals that it made during the parties' negotiation of a compensation agreement.

D. MPD v. FOP/MPD Labor Committee

PERB Case No. 17-A-01

On November 07, 2016, MPD filed this Arbitration Review Request seeking review of an arbitration award that sustained the grievance filed by FOP. In this case, the Arbitrator determined that MPD failed to commence an adverse action against Officer Hiram Rosario within 90 days of when it knew or should have known of the Officer's alleged misconduct, a violation of D.C. Official Code § 5-1031(a) (also referred to as the "90-day rule"). The issue before the Board is whether the Award on its face is contrary to law and public policy.

E. Department of Consumer & Regulatory Affairs v. AFGE, Local 2725

PERB Case No. 17-A-02

Department of Consumer & Regulatory Affairs filed this Arbitration Review Request regarding an Arbitration Award sustaining a grievance filed by AFGE Local 2725 (AFGE 2725) regarding the reinstatement of Mr. William Smith. The issue before the Board is whether the Award is contrary to law and public policy.

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, the meeting resumed at which time the Board voted on the following cases:

MPD v. FOP/MPD Labor Committee

PERB Case Nos. 16-A-06, 16-A-15 and 16-A-17

It was moved and seconded to deny MPD's Arbitration Review Requests and dismiss the matters in their entirety with prejudice.

Member	In Favor	Opposed	Tabled
Ann Hoffman	X		
Charles Murphy	X		
DouglasWarshof	X		

UDC Faculty Association v. UDC

PERB Case No. 16-N-01

It was moved and seconded that the Board find certain proposals submitted to the Board negotiable and others nonnegotiable as will be outlined in our written decision.

Member	In Favor	Opposed	Tabled
Ann Hoffman	X		
Charles Murphy	X		
DouglasWarshof	X		

Compensation Unit 31 and WASA

PERB Case No. 16-N-02

It was moved and seconded that the Board table this case.

Member	In Favor	Opposed	Tabled
Ann Hoffman	X		
Charles Murphy	X		
DouglasWarshof	X		

MPD v. FOP/MPD Labor Committee

PERB Case No. 17-A-01

It was moved and seconded to deny MPD's Arbitration Review Request and dismiss the matter in its entirety.

Member	In Favor	Opposed	Tabled
Ann Hoffman	X		
Charles Murphy	X		
DouglasWarshof	X		

Department of Consumer & Regulatory Affairs v. AFGE, Local 2725

PERB Case No. 17-A-02

It was moved and seconded to deny MPD's Arbitration Review Request and dismiss the matter in its entirety.

Member	In Favor	Opposed	Tabled
Ann Hoffman	X		
Charles Murphy	X		
DouglasWarshof	X		

The meeting was adjourned at 1:10 p.m.

Prepared by: Yvonne P. Waller, Administrative Officer