



MINUTES

- I. The regular monthly meeting of PERB was held on September 27, 2018, 11:00 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 Najibah Almahdi and Royale Simms
- III. The approval of the minutes for the August 16th board meeting is postponed until next month.
- IV. Executive Director reported the following:
 - June Case Management Report:
 - Administratively Dismissed: 0
 - Cases Settled/Withdrawn: 6
 - Closed by Decision and Order: 5
 - Number of Cases Opened in August: 5
 - Number of Cases Closed in August: 11
 - Total Number of Cases Opened in FY '18: 71
 - Total Number of Cases Open: 42
 - Total Hearings: 7
 - Total Mediations: 28
 - Sean Rogers and John Higgins have been contracted for FY '19 as trainers for the Second Tuesdays at PERB program as well as additional agency training sessions. Sean Rogers has worked with PERB as a Mediator and Hearing Examiner. John Higgins is a Mediator and Hearing Examiner for PERB as well as the trainer for the previous sessions of Second Tuesdays at PERB.
 - Najibah Almahdi is finalizing the DC Department of Small and Local Business Development report for FY '19. The DSLDB requires all District agencies to allocate a percentage of funds to be spent exclusively with companies operating in Washington DC.
 - Andrea Lozada is finalizing the FY '18 and FY '19 Performance Review.

V. Public Forum- There was no attendance from the public.

VI. Docket:

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

A. American Federation of Government Employees, Local 1403 v. Department of Behavioral Health

PERB Case No. 17-U-22

On February 22, 2017, AFGE Local 1403 filed this Unfair Labor Practice complaint against the Department of Behavioral Health alleging that the Respondents committed an Unfair Labor Practice by removing two employees from the bargaining unit.

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

PERB Case No. 18-A-09

On March 13, 2018, the Metropolitan Police Department filed this Arbitration Review Request seeking review of an Arbitrator's Award ("Award") reinstating the Grievant to his prior position with back pay. The department claims that the Award is, on its face, 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-11

On April 17, 2018, the Metropolitan Police Department filed this Arbitration Review Request seeking review of an Arbitration Award granting the grievance filed by the Fraternal Order of Police/Metropolitan Police Department Labor Committee on behalf of Officer Wilson Liriano. The Award rescinded the grievant's termination and ordered the payment of pre- and post-judgment interest. The Metropolitan Police Department seeks review of the Award claiming the Arbitrator exceeded his jurisdiction.

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

PERB Case Nos. 18-E-02, 18-E-03, 18-U-16 and 18-U-25

Fraternal Order of Police/Metropolitan Police Department Labor Committee filed these related petitions for Enforcement and Unfair Labor Practice complaints claiming that the Metropolitan Police Department failed to implement the terms of two arbitration awards issued on October 17, 2016 and March 24, 2017. The petitions seek enforcement of the awards and the related Unfair Labor Practice complaints additionally seek an order for the Metropolitan Police Department to post a notice and cease and desist from implementing the awards.

It was 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:

American Federation of Government Employees, Local 1403 v. Department of Behavioral Health

PERB Case No. 17-U-22

It was moved and seconded and unanimously decided as follows:

Based on the fact that neither the unilateral removals nor the alleged contract violation constitutes an unfair labor practice the Board moves that the complaint be dismissed 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-09

It was moved and seconded and unanimously decided as follows:

The Board rejects the Metropolitan Police Department’s arguments and finds no cause to set aside or modify the Arbitrator’s award. The Metropolitan Police Department’s request is denied and the matter is dismissed in its entirety 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-11

It was moved and seconded and unanimously decided as follows:

The Board rejects the Department's arguments and finds no cause to modify, set aside or remand the Arbitrator's award. The Department's request is denied and the matter is dismissed with prejudice.

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 Nos. 18-E-02

It was moved and seconded and unanimously decided as follows:

The Fraternal Order of Police/Metropolitan Police Department Labor Committee's petition for enforcement is granted.

Within ten (10) days from the issuance of this Decision and Order, the Metropolitan Police Department shall fully comply with the terms of the Award, if it has not already done so, and shall notify the Public Employee Relations Board in writing that it has complied.

The Board shall proceed with enforcement of Slip Opinion No. 1635 pursuant to D.C. Official Code §§ 1-605.02(16) and 1-617.13(b) if full compliance with the Award 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		

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

PERB Case Nos. 18-E-03

It was moved and seconded and unanimously decided as follows:

The Fraternal Order of Police/Metropolitan Police Department Labor Committee's petition for enforcement is granted.

Within ten (10) days from the issuance of this Decision and Order, the Metropolitan Police Department shall fully comply with the terms of the Award, if it has not already done so, and shall notify the Public Employee Relations Board in writing that it has complied.

The Board shall proceed with enforcement of Slip Opinion No. 1615 pursuant to D.C. Official Code §§ 1-605.02(16) and 1-617.13(b) if full compliance with the Award 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		

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

PERB Case Nos. 18-U-16 and 18-U-25

It was moved and seconded and unanimously decided as follows:

PERB Case Nos. 18-U-16 and 18-U-25 are consolidated.

The Fraternal Order of Police/Metropolitan Police Department Labor Committee's Unfair Labor Practice complaints are granted.

The Metropolitan Police Department shall cease and desist from violating section 1-617.04(a)(1) and (5) of the D.C. Official Code by failing to implement the arbitration Awards.

The Metropolitan Police Department shall conspicuously post, where notices to employees are normally posted, notice that the Board will furnish to the Department. The notice shall be posted within fourteen (14) days from the department's receipt of the notice and shall remain posted for thirty (30) consecutive days.

Within fourteen (14) days from the date of the receipt of the notice, the Metropolitan Police Department shall notify the Public Employee Relations Board in writing that the notices have been posted according to this Decision and Order and on what date the notices were posted.

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 1:30 p.m.

Prepared by: Najibah Almahti, Administrative Officer