



Public
Employee
Relations
Board



1100 4th Street S.W.
Suite E630
Washington, D.C. 20024-4451
Business: (202) 727-1822
Fax: (202) 727-9116
Email: perb@dc.gov

December 30, 2016

MINUTES

The regular monthly meeting of PERB was held on December 15, 2016, at 11:30 a.m. at PERB headquarters. Chairman Charles Murphy, presiding, and Board members Ann Hoffman and Douglas Warshof being present. Board members Yvonne Dixon and Barbara Somson were absent.

Staff attendance: Executive Director Clarene Martin, Lindsey Maxwell, Colby Harmon, David McFadden, Alexis Anderson, Merlin George and Sheryl Harrington.

Minutes from the November 22, 2016 meeting were approved.

Executive Director Martin reported the following:

As of November 30, 2016

- Closed cases – 31
- Remaining open cases- 64

We held our Second Tuesdays at PERB on December 13, 2016.

Docket

It was moved and seconded to amend the docket to postpone consideration of PERB Case No. 16-A-03 to a future date. Lindsey Maxwell summarized the following four cases appearing on the case docket for Board consideration.

A. Doctors Council of the District of Columbia v. Department of Youth and Rehabilitative Services, PERB Case No. 11-U-22

Presenter: Alexis Anderson

The Complainant filed an Unfair Labor Practice Complaint (“Complaint”) against the District of Columbia Department of Youth and Rehabilitation Services (“DYRS” or “Respondent”), alleging that DYRS violated the CMPA by: (1) failing to engage in good faith impact and effects bargaining related to a RIF, failing to provide relevant and necessary information upon request; (3) eliminating three bargaining unit positions and transferring the work to non-bargaining unit employees; and (4) refusing to select an FMCS arbitrator after a timely request to do so was made by the Complainant. The case is now before the Board for review.

B. National Association of Government Employees, Local R3-05 v. Metropolitan Police Department, PERB Case No. 11-U-54

Presenter: Merlin George

NAGE filed this unfair labor practice Complaint alleging that MPD violated the CMPA by failing to engage in impact and effects (“I&E”) bargaining prior to a RIF, in accordance with the parties’ collective bargaining agreement (“CBA”). The case is now before the Board for review.

- C. District of Columbia Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department Labor Committee, PERB Case No. 16-A-19
Presenter: Merlin George

MPD filed this Arbitration Review Request (“Request”) seeking review of the arbitration award (“Award”) that sustained the grievance filed by the Fraternal Order of Police/ Metropolitan Police Department Labor Committee (“FOP”). The Arbitrator determined that MPD violated D.C. Official Code § 5-1031(a) (also referred to as the “90-day rule”) by failing to commence an adverse action against the Grievant within ninety days after the date that MPD knew or should have known of the act allegedly constituting cause. The issue before the Board is whether the Award on its face is contrary to law and public policy.

Board Chair Murphy moved that the meeting be closed 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.

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

Doctors Council of the District of Columbia v. Department of Youth and Rehabilitative Services, PERB Case No. 11-U-22

It was moved and seconded to table this case until the next meeting.

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

National Association of Government Employees, Local R3-05 v. District of Columbia Metropolitan Police Department, PERB Case No. 11-U-54

It was moved and seconded that the Board finds that Hearing Examiner’s conclusions and recommendations were reasonable, supported by the record and consistent with Board precedent. Therefore, the Board adopts the Hearing Examiner’s Report, and the Complaint is dismissed.

Member	In Favor	Opposed	Tabled
Ann Hoffman	X		
Charles Murphy	X		
Douglas Warshof	X		

District of Columbia Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department Labor Committee, PERB Case No. 16-A-19

It was moved and seconded that the Board reject MPD's arguments and finds no cause to set aside or modify the Arbitrator's Award. Therefore, MPD's request is denied and the matter is dismissed in its entirety.

Member	In Favor	Opposed	Tabled
Ann Hoffman	X		
Charles Murphy	X		
Douglas Warshof	X		

The meeting was adjourned at 12:10 p.m.

Prepared by: Yvonne P. Waller, Administrative Officer