



Public  
Employee  
Relations  
Board



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November 30, 2016

### MINUTES

The regular monthly meeting of PERB was held on November 22, 2016, at 11:20 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 Yvonne Waller.

Minutes from the October 20, 2016 meeting were approved.

Executive Director Martin reported the following:

As of October 30, 2016

- Closed cases in October-20

As of October 30, 2016

- Remaining open cases- 67

The District has started the FY 2018 budgetary process. The Agency will request funds to upgrade our website

We held our Second Tuesdays at PERB on November 8, 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. Dancy Simpson, Pamela Chase, Ernest Durant, Shante Briscoe, et al. v. Fraternal Order of Police/Department of Corrections Labor Committee, PERB Case Nos. 10-S-05, 10-S-07, 10-S-08 and 10-S-09

Several standards of conduct complaints were filed by various members of the Fraternal Order of Police at the Department of Corrections, alleging that FOP failed to conduct a fair election of local union officials, improperly denied a member the right to run for the election, and failed to disclose requested financial documents. These four cases are before the Board for its consideration.

- B. District of Columbia Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department Labor Committee, PERB Case No. 16-A-03

This case was tabled several times after the August 2016 Board meeting. MPD filed this Arbitration Review Request seeking review of an Arbitration Award that determined that the grievance filed by FOP on behalf of Officer G. Singletary was arbitrable. The issues before the Board are whether “the award on its face is contrary to law and public policy” and whether the Arbitrator “exceeded his or her jurisdiction.”

C. District of Columbia Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department Labor Committee, PERB Case No. 16-A-18

The District of Columbia Metropolitan Police Department (“MPD”) filed an Arbitration Review Request (“Request”) in this matter, seeking review of the arbitration award (“Award”) that sustained the grievance filed by the Fraternal Order of Police/ Metropolitan Police Department Labor Committee (“FOP”) on behalf of Officer Clinton Turner (“Officer Turner”). The issue before the Board is whether the Award on its face is contrary to law and public policy.

D. District of Columbia Nurses Association and District of Columbia Department of Health, PERB Case No. 16-I-07

The District of Columbia Nurses Association (“DCNA”) filed a Notice of Impasse (“Notice”) pursuant to PERB Rules 526 et seq. and 527 et seq. DCNA asserts that it reached an impasse with the District of Columbia Department of Health (“DOH”) during impact and effects (“I&E”) bargaining over the relocation of the DOH Immunization Clinic. DCNA now asks PERB to find that the parties are at impasse and to appoint a mediator from the Federal Mediation and Conciliation Service to help the parties reach a resolution on DCNA’s rejected proposals.

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:

**Dancy Simpson, Pamela Chase, Ernest Durant, Shante Briscoe, et al. v. Fraternal Order of Police/Department of Corrections Labor Committee**  
**PERB Case Nos. 10-S-05, 10-S-07, 10-S-08 and 10-S-09**

It was moved and seconded that the FOP shall immediately cease violating its bylaws, constitution, and the CMPA in the conduct of its internal elections; FOP shall conspicuously post, within fourteen (14) calendar days of the service of the Decision and Order, the attached Notice detailing its violations of the CMPA where notices to bargaining-unit employees are customarily posted; the Notice shall remain posted for thirty (30) consecutive days; within twenty-one (21) days of the service of this Decision and Order, FOP shall notify the Board in writing that the Notice has been posted as ordered; and pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

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-03**

It was moved and seconded that the Arbitrator did not exceed his authority in this matter, and the Award is not contrary to law or public policy. Accordingly, no statutory basis exists for setting aside the award; MPD's Request is, therefore, denied.

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-18**

It was moved and seconded that the Board finds that MPD has not cited any specific law or public policy that was violated by the Arbitrator's Award. Thus, the Board rejects MPD's arguments and finds no cause to set aside or modify the Arbitrator's Award. Accordingly, MPD's request is denied and the matter is dismissed in its entirety with prejudice.

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

**District of Columbia Nurses Association and District of Columbia Department of Health, PERB Case No. 16-I-07**

It was moved and seconded to deny DCNA's Notice of impasse and to dismiss the case.

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

The meeting was adjourned at 12:20 p.m.

Prepared by: Yvonne P. Waller, Administrative Officer