



Public
Employee
Relations
Board



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Thursday, October 20, 2016

MINUTES

The regular monthly meeting of PERB was held on October 20, 2016, at 11:10 a.m. at PERB headquarters. Chairman Charles Murphy, presiding, and Board members Yvonne Dixon, Ann Hoffman and Douglas Warshof being present. Board member Barbara Somson was absent.

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

Minutes from the September 22, 2016 meeting were approved as amended.

Executive Director Martin reported the following:

As of September 30, 2016

- Remaining open cases-81
- Total cases closed in FY'16 – 18

As of October 20, 2016

- Remaining open cases- 71

The agency has established targets for processing cases

Second Tuesdays at PERB will start Tuesday, November 8, 2016

The new attorney-advisors Alexis Anderson and Merlin George are scheduled to attend the DC Bar writing class on November 4, 2016

MPD has postponed training for its highest level managers

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

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. Candi Peterson v. Washington Teachers Union Local 6, PERB Case No. 12-S-01

This case is on remand from the Superior Court. Peterson filed this standards of conduct complaint alleging that she was terminated from her employment as general vice president of the Union in violation of the Union's constitution, its by-laws, and D.C. Official Code § 1-617.03(a)(1).

B. District of Columbia Metropolitan Police Department v. Fraternal Order of Police
PERB Case No. 15-A-13

MPD seeks review of an Arbitration Award (“Award”) that sustained a grievance filed by FOP on behalf of Officer Justin Linville. MPD seeks review on the grounds that the Arbitrator exceeded his jurisdiction and the Award is contrary to law and public policy.

C. District of Columbia Metropolitan Police Department v. Fraternal Order of Police
PERB Case No. 16-A-05

MPD seeks review of the Arbitration Award (“Award”) that overturned MPD’s termination of Officer Edward Bush. The issue before the Board is whether the Award on its face is contrary to law and public policy.

D. American Federation of Government Employees Local 2553 v. WASA
PERB Case No. 16-A-14

AFGE Local 2556 seeks review of the Arbitration Award (“Award”) that it believes violates Article 26 of the parties’ Working Conditions Agreement and D.C. Official Code § 1-611.01(2). The Union seeks review on the grounds that the award is contrary to law and public policy.

E. Service Employees International Union Local 500 and UDC
PERB Case No. 16-CU-04

SEIU and UDC filed a Joint Petition for Compensation Unit Determination in which they request that PERB create a new compensation unit for a bargaining unit in UDC represented by SEIU.

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:

Candi Peterson v. Washington Teachers Union Local 6
PERB Case No. 12-S-01

It was moved and seconded that the Complainant’s Standards of Conduct Complaint is granted. The Union and its officers and agents shall cease and desist from violating D.C. Code § 1-617.03(a)(1) by denying fair and equal treatment under the governing rules of the Union and fair process in disciplinary proceedings to the Complainant and to other members of the Union by bringing disciplinary charges against them, removing them from membership in the Union, or from elective office in the Union, or by terminating their pay and benefits as elective officers of the Union without complying with the Union’s constitution and by-laws, or by otherwise violating the CMPA’s standards of conduct for

labor organizations as codified in D.C. Official Code 1-617.03(a)(1). The Union and its officers and agents shall cease and desist from failing to adopt, subscribe, or comply with the standards of conduct for labor organizations prescribed under the CMPA in any like or related manner. The Union shall immediately rescind the disciplinary resolution of its Executive Board adopted on August 4, 2011, against Peterson. The Union shall adhere to the provisions of the Union’s current constitution and by-laws concerning the full range of duties and powers established therein for the general vice president. The Union shall conspicuously post a notice that the Board will furnish to the Union. The notice shall be posted where the Union’s notices to its members are normally posted. The notice shall be posted within ten (10) days from Respondent’s receipt of the notice and shall remain posted for thirty (30) consecutive days. The Union shall notify PERB, in writing, within fourteen (14) days from the issuance of the Decision and Order that this Order has been complied with and that the notice has been posted as ordered.

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

District of Columbia Metropolitan Police Department v. Fraternal Order of Police
PERB Case No. 15-A-13

It was moved and seconded that the Arbitrator did not exceed his authority and that MPD has not cited any specific law or public policy that was violated by the Arbitrator’s Award. 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
Yvonne Dixon	X		
Ann Hoffman	X		
Charles Murphy	X		
Douglas Warshof	X		

District of Columbia Metropolitan Police Department v. Fraternal Order of Police
PERB Case No. 16-A-05

It was moved and seconded 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
Yvonne Dixon	X		
Ann Hoffman	X		
Charles Murphy	X		
Douglas Warshof	X		

American Federation of Government Employees Local 2553 v. WASA

PERB Case No. 16-A-14

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

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

SEIU, Local 500 and UDC

PERB Case No. 16-CU-04

It was moved and seconded that the Petitioners' Joint Petition for Compensation Unit Determination is granted.

Member	In Favor	Opposed	Tabled
Yvonne Dixon	X		
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