



DRAFT MINUTES

The regular monthly meeting of PERB was held on Thursday, October 29, 2020, at 11:00 a.m. via Webex Meeting Conference.

Board Members: Board Chairperson Douglas Warshof, presiding; Board Member Ann Hoffman, Board Member Barbara Somson, Board Member Mary Anne Gibbons, and Board Member Peter Winkler present.

Staff Attendance: Executive Director Clarene Martin, Supervisory Attorney Erica Balkum, Attorney Advisor Merlin George, Attorney Advisor Royale Simms, Administrative Officer Antwanette Murphy, Program Analyst Dawan Jones, and Intern Sabrina Bey.

The minutes for the September 17, 2020, meeting were adopted.

The Executive Direction reported that PERB attorneys conducted training on the Board Rules, on October 20, 2020, and that there were 37 participants. The Executive Director also updated the Board on staffing changes, including the hiring of a new employee, as well as interviewing for a new attorney advisor. Additionally, the Executive Director provided a summary of the Board's FY2020 case management report.

DOCKET:

Supervisory Attorney Advisor Erica Balkum summarized the following matters on the docket for Board consideration:

A. National Association of Government Employees v. District of Columbia National Guard

PERB Case No. 19-RC-02

Summary: On August 21, 2019, the National Association of Government Employees filed a recognition petition seeking exclusive recognition of a proposed bargaining unit within the District of Columbia National Guard. The Office of Labor Relations and Collective Bargaining, on behalf of the District Columbia National Guard, filed Comments to the Petition, contesting the appropriateness of the proposed bargaining unit. The matter was sent to a hearing, and the Hearing Examiner's Report and Recommendation is before the Board.



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

PERB Case No. 20-A-07 (Motion for Reconsideration)

Summary: The Metropolitan Police Department requests reconsideration of the Board's decision in PERB Case 20-A-07 that found MPD's arbitration review request was untimely.

C. Washington Teachers' Union, Local 6, American Federation of Teachers, AFL-CIO v. District of Columbia Public Schools

PERB Case No. 20-U-30

Summary: The Washington Teachers Union filed an unfair labor practice complaint that alleged the District of Columbia Public Schools violated the CMPA by implementing unilateral changes in working conditions, refusing to bargain, and directly dealing with the bargaining unit. A hearing was held. Before the Board is the record and Hearing Examiner's Report and Recommendations.

It was moved and seconded to close the meeting to the public for deliberations in accordance with D.C. Official Code § 2-575(b)(13). The motion passed unanimously. Chair Warshof recused himself from the deliberations concerning PERB Case No. 20-U-30.



Following deliberations, the meeting was reopened to the public. The Board voted as follows:

A. National Association of Government Employees v. District of Columbia National Guard

PERB Case No. 19-RC-02

Motion: It was moved and seconded that the Board find that NAGE’s proposed bargaining unit is appropriate for collective bargaining over terms and conditions of employment. A mail ballot election shall be held to determine the will of eligible employees in the unit.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		
Board Member Ann Hoffman	X		
Board Member Barbara Somson	X		

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

PERB Case No. 20-A-07

Motion: It was moved and seconded that the Board deny the Metropolitan Police Department’s motion for reconsideration.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		
Board Member Ann Hoffman	X		
Board Member Barbara Somson	X		

C. Washington Teachers' Union, Local 6, American Federation of Teachers v. District of Columbia Public Schools

PERB Case No. 20-U-30

Motion: It was moved and seconded that the Board find that DCPS committed unfair labor practices and that the Board adopt the Hearing Examiner's Report and Recommendations with the remedy modified as follows:

1. The District of Columbia Public Schools shall cease and desist from interfering with, restraining, or coercing employees in their rights guaranteed to them under D.C. Official Code § 1-617.04 (a)(1) and (a)(5).
2. The District of Columbia Public Schools shall cease and desist from directly dealing with bargaining unit members in a manner that serves to undermine the Washington Teachers' Union.
3. The District of Columbia Public Schools shall cease and desist from refusing to bargain in good faith with the Washington Teachers' Union.
4. The District of Columbia Public Schools shall cease and desist from implementing changes in employment pertaining to health and safety without fulfilling its bargaining obligation with the Washington Teachers' Union.
5. The District of Columbia Public Schools shall bargain in good faith with the Washington Teachers' Union until the parties have a signed agreement or the parties reach impasse.
6. Within ten (10) days from service of this Decision and Order, the District of Columbia Public Schools shall post the attached notice conspicuously where notices to bargaining unit employees in this bargaining unit are customarily posted and electronically distribute to each bargaining unit member the notice through email or similar means in which notices are customarily distributed. Once posted, the Notice must remain posted until thirty (30) days after all bargaining unit members return to work.
7. The District of Columbia Public Schools shall notify the Board of the posting within fourteen (14) days after issuance of the decision and order requiring posting.



Name	In Favor	Opposed	Table
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		
Board Member Ann Hoffman	X		
Board Member Barbara Somson	X		

A. Washington Teachers' Union, Local 6, American Federation of Teachers v. District of Columbia Public Schools

PERB Case No. 20-U-30

Motion: It was moved and seconded that the Board order WTU to provide a response to the DCPS's Motion to Certify Respondent's Actions to Comply with Preliminary Relief Order within 14 days of service of DCPS's motion.

Name	In Favor	Opposed	Table
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		
Board Member Ann Hoffman	X		
Board Member Barbara Somson	X		

Old Business: Attorney Advisor Merlin George provided an update on the mail ballot election in PERB Case No. 19-RC-02 that the vendor has until November 18, 2020, to receive voters' ballots and that the ballot tally will be November 20, 2020.

The meeting was adjourned at 1:00 p.m.