



DRAFT MINUTES

PERB held its regular monthly meeting on Thursday, October 17, 2024, at 11:00 a.m. via Webex Meeting Conference. Board Chairperson Douglas Warshof, presiding; Board Member Renee Bowser, Mary Anne Gibbons, and Board Member Peter Winkler were present.

Staff Attendance: Acting Executive Director Royale Simms, Attorney Advisor Elizabeth Slover, Attorney Advisor Rita Solomon, Attorney Advisor Isaac Katz, Administrative Officer Crystal Davis, and Program Analyst Dawan Jones.

The Board adopted the August 20, 2024, meeting minutes.

The Acting Executive Director reported the following:

1. PERB moved into its new location at 899 N. Capitol Street, NE, on Friday, September 6, 2024, and is planning an Open House for Spring 2025.
2. PERB will transition all virtual meetings to the Microsoft Teams platform, enhancing scheduling and information sharing.
3. The November 2024 Board Packet will include recommendations for technical and substantive changes to board rules.
4. Acting Executive Director Simms has expanded recruitment for hearing examiners and mediators by sending announcements to the Labor Arbitrators Institute, ALRA, and respected arbitrators and mediators.
5. PERB currently has 58 open cases. In FY24, 101 cases were opened, and 69 were closed.
6. In FY24, PERB met all of its annual performance metrics except for one.

DOCKET:

Acting Executive Director Royale Simms summarized the following matters on the docket for Board consideration:

A. AFGE, Local 1403 and Office of the Attorney General
PERB Case No. 24-UM-01

Summary: AFGE, Local 1403, filed this petition for unit modification. The Union requests that the Board amend Certification No. 121 to change the name of the agency on the certification from the Office of Corporation Counsel to the Office of the Attorney General. This matter is now before the Board.

B. District of Columbia Public Schools v. Washington Teachers Union, Local #6
PERB Case No. 24-A-04(MFR)

Summary: DCPS filed this motion for reconsideration of Opinion No. 1875, which found that an arbitration Award's tax gross up remedy was not contrary to law or public policy. DCPS asks the Board to reconsider its remand Order in Opinion No. 1875. This matter is now before the Board.

**C. District of Columbia Public Schools v. Washington Teachers' Union, Local 6
PERB Case No. 24-A-12**

Summary: DCPS filed an arbitration review request, seeking review of an award which ordered the reinstatement of a Speech-Language Pathologist who resigned to avoid termination. DCPS requests that the Board reverse the Award on the grounds that the Arbitrator exceeded her authority, and the Award is contrary to law and public policy. This matter is now before the Board.

**D. Washington Teachers' Union v. District of Columbia Public Schools
PERB Case No. 24-N-11 & 24-N-13**

Summary: WTU filed two negotiability appeals, which have since been consolidated under PERB Case No. 24-N-11. WTU asks the Board to find that two proposals which DCPS has declared nonnegotiable are negotiable. One of the proposals seeks to add an article to the CBA, addressing the subject of transferring excessed employees. The other proposal seeks to add an article to the CBA to cover Athletic Trainers, including their staffing ratios, job duties, recruitment, equipment, and emergency communications. This matter is now before the Board.

**E. Samantha Brown v. District of Columbia Public Schools
PERB Case No. 22-U-16(MFR)**

Summary: DCPS filed this motion for reconsideration of Opinion No. 1877, which found that DCPS retaliated against the Complainant for engaging in protected union activity. DCPS asks the Board to explicitly find that DCPS did not violate D.C. Official Code § 1-617.04(a)(2), provide more detail regarding credibility findings, reverse the findings of violations of D.C. Official Code §§ 1-617.04(a)(1) and (4), and set aside the order granting remedial relief to the Complainant. This matter is now before the Board.

**F. American Federation of Government Employees Local 631 v. District of Columbia Department of General Services, Office of Administrative Services
PERB Case No. 24-RC-01**

Summary: AFGE Local 631 filed a petition for exclusive recognition and non-compensation unit determination, seeking to represent a proposed unit of DGS employees. A Board-ordered election was held, and all eligible employees voted in favor of union representation. The results of that election have been certified. This matter is now before the Board.

**G. Darlene Bryant et. al. v. Fraternal Order of Police/Department of Corrections Labor Committee
PERB Case No. 22-S-05**

Summary: This matter is before the Board in accordance with an order for preliminary injunctive relief issued by the District of Columbia Superior Court.

Chair Warshof, I recommend that the Board close the meeting for deliberations pursuant to section 2-575(b)(13) of the D.C. Official Code.

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

**A. AFGE, Local 1403 and Office of the Attorney General
PERB Case No. 24-UM-01**

Motion: It was moved and seconded that the Board grant the petition.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		

**B. District of Columbia Public Schools v. Washington Teachers Union, Local #6
PERB Case No. 24-A-04(MFR)**

Motion: It was moved and seconded that the Board deny the motion for reconsideration.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		

**C. District of Columbia Public Schools v. Washington Teachers' Union, Local 6
PERB Case No. 24-A-12**

Motion: It was moved and seconded that the Board table this matter until a future meeting.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		

D. Washington Teachers' Union v. District of Columbia Public Schools
PERB Case No. 24-N-11 & 24-N-13

Motion: It was moved and seconded that the Board make the following findings:

1. WTU's proposal to add Article 4.4.8. is negotiable.
2. WTU's proposal to add Article 24.7.2. is negotiable.
3. WTU's proposal to add Article 24.7.5. is non-negotiable.
4. WTU's proposal to add Article 24.7.6. is non-negotiable.
5. WTU's proposal to add Article 24.7.9.1. is non-negotiable.
6. WTU's proposal to add Article 24.7.9.2. is non-negotiable.
7. WTU's proposal to add Article 24.7.9.3. is non-negotiable.
8. WTU's proposal to add Article 24.7.9.5. is negotiable.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		

E. Samantha Brown v. District of Columbia Public Schools
PERB Case No. 22-U-16

Motion: The following was moved and seconded that the Board deny the motion for reconsideration but revise the remedy to accord with DCPS policy.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		

F. American Federation of Government Employees Local 631 v. District of Columbia Department of General Services, Office of Administrative Services
PERB Case No. 24-RC-01

Motion: The following was moved and seconded that the Board certify the American Federation of Government Employees Local 631 as the exclusive representative of the described unit of employees at the District of Columbia Department of General Services,

Office of Administrative Services, for the purpose of collective bargaining over terms and conditions of employment.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		

G. Darlene Bryant et al. v. Fraternal Order of Police/ Department of Corrections Labor Committee
PERB Case No. 22-S-05

Motion: The following was moved and seconded that the Board suspends enforcement of Opinion No. 1871 and grants status quo recognition under Certification No. 73 to the Fraternal Order of Police/Department of Corrections Labor Committee consistent with the order of the Superior Court.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		

Old Business: None

The meeting was adjourned at 12:07 p.m.

The next meeting will be held on November 21, 2024.