



December 18, 2019

**MINUTES**

The regular monthly meeting of PERB was held on Wednesday, December 18, 2019, at 11:00 a.m. at PERB headquarters.

Board Attendance: Chairperson Charles Murphy, presiding, Board Member Ann Hoffman, Board Member Barbara Somson, Board Member Douglas Warshof, and Board Member Mary Anne Gibbons attended telephonically.

Staff Attendance: Executive Director Clarene Martin, Erica Balkum, Merlin George, Alexis Anderson, Royale Simms, and Antwanette Murphy.

The minutes for the October 17, 2019 and November 22, 2019 Board meetings were adopted.

The Executive Director reported on the December 2019 case management report, the status of the in-house training space, and the training programs. The Executive Director also reported that she had participated in preparing Board nominees for their confirmation hearing, had met with the Office of the City Administrator on FY2021 budget matters, and had received Oversight Hearing questions from the Counsel. The Board requested to review the FY2019-FY2020 Performance Oversight Questions responses prior to their submission to the Council.

**PUBLIC FORUM:** No one attended from the Public.

**DOCKET:**

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

**A. The Second Notice of Proposed Rulemaking**

The draft of the Second Notice of Proposed Rulemaking was before the Board for its consideration with staff's recommendations.

**B. Fraternal Order of Police/Metropolitan Police Department Labor Committee v. Metropolitan Police Department**

PERB Case No. 20-A-01

**Case Summary:** MPD filed an Arbitration Review Request of an arbitration award on the grounds that the Arbitrator exceeded her jurisdiction. In the Award, the Arbitrator reduced a Grievant's termination to a 20-day suspension. The question before the Board was whether the Arbitrator exceeded her jurisdiction in issuing the Award to reinstate the Grievant.

C. **Fraternal Order of Police/Protective Services Division Labor Committee v. Department of General Services**  
 PERB Case No. 18-U-01

**Case Summary:** The Fraternal Order of Police (FOP) filed an unfair labor practice complaint against the Department of General Services (DGS), alleging that DGS unilaterally changed a parking policy. The matter was sent to a hearing, and the Hearing Examiner’s Report and Recommendation was before the Board with DGS’ Exceptions. FOP requested attorney fees. The issue of whether the Board has the authority under the CMPA and Federal Back Pay Act to award attorney fees in appropriate unfair labor practice cases was also before the Board.

D. **American Federation of State, County and Municipal Employees, Local 2087 v. University of the District of Columbia**  
 PERB Case No. 18-U-03

**Case summary:** On October 18, 2017, the American Federation of State, County and Municipal Employees, District Council 20, Local 2087 (AFSCME Local 2087) filed an unfair labor practice complaint against the University of the District of Columbia. The Complaint alleged that UDC violated D.C. Official Code § 1-617.04(a)(1) and (5) by failing to pay bargaining unit employees’ step increases. The matter was sent to a hearing, and the Hearing Examiner’s Report and Recommendation with UDC’s Exceptions was before the Board.

It was moved to close the meeting 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.

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

**The Second Notice of Propose Rulemaking**

**Motion:** It was moved and seconded to adopt the Notice of Second Proposed Rulemaking for submission to the D.C. Office of Document and Administrative Issuances for publication in the D.C. Register.

<b>Name</b>	<b>In Favor</b>	<b>Opposed</b>	<b>Table</b>
Chairperson Charles Murphy	X		
Board Member Douglas Warshof	X		
Board Member Mary Anne Gibbons	X		
Board Member Ann Hoffman	X		
Board Member Barbara Somson	X		

**Fraternal Order of Police/Metropolitan Police Department Labor Committee v. Metropolitan Police Department**

PERB Case No. 20-A-01

**Motion:** It was moved and seconded to deny MPD's Arbitration Review request as it did not satisfy the statutory basis for the Board's review.

<b>Name</b>	<b>In Favor</b>	<b>Opposed</b>	<b>Table</b>
Chairperson Charles Murphy	X		
Board Member Douglas Warshof	X		
Board Member Mary Anne Gibbons	X		
Board Member Ann Hoffman	X		
Board Member Barbara Somson	X		

**Fraternal Order of Police/Protective Services Division Labor Committee v. Department of General Services**

PERB Case No. 18-U-01

**Motion:** It was moved and seconded to table PERB Case No. 18-U 01.

<b>Name</b>	<b>In Favor</b>	<b>Opposed</b>	<b>Table</b>
Chairperson Charles Murphy			X
Board Member Douglas Warshof			X
Board Member Mary Anne Gibbons			X
Board Member Ann Hoffman			X
Board Member Barbara Somson			X

**American Federation of State, County and Municipal Employees, Local 2087 v.  
University of the District of Columbia**  
PERB Case No. 18-U-03

**Motion:** It was moved and seconded to table PERB Case No. 18-U-03.

<b>Name</b>	<b>In Favor</b>	<b>Opposed</b>	<b>Table</b>
Chairman Charles Murphy			X
Board Member Douglas Warshof			X
Board Member Mary Anne Gibbons			X
Board Member Ann Hoffman			X
Board Member Barbara Somson			X

**ADJOURNMENT**

The meeting was adjourned at 1:51 PM.  
Prepared by: Antwanette Murphy, Administrative Officer.