



GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD

February 20, 2020

[Prior to the commencement of the meeting, Steven Walker of MOTA swore in Douglas Warshof as chair of the Board and Peter Winkler as a new Board member]

MINUTES

The regular monthly meeting of PERB was held on Thursday, February 20, 2020, at 11:40 a.m. at PERB headquarters.

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

Staff Attendance: Executive Director Clarene Martin, Erica Balkum, Merlin George, Royale Simms, and Antwanette Murphy. Interns Christopher Johnson and Clarence Ellington.

Chairman Warshof welcomed Peter Winkler as a new member to the Board.

The minutes for the January 16, 2020 meeting were adopted.

The Executive Director reported that 1 new case had been filed with Superior Court. Before the Board, 44 cases are pending. There were 9 cases closed this Fiscal Year to date.

The Executive Director also reported that the comment period for the Rules ends on Friday, February 21st, followed by a five date wait period for any comments that are mailed.

Second Tuesdays at PERB was held on February 11, 2020. Topic: Collective Bargaining.

PUBLIC FORUM: One person attended from the Public.

DOCKET:

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

A. American Federation of Government Employees, Local 2725 v. District of Columbia Housing Authority
PERB Case No. 19-A-10

The Union filed an arbitration review request, seeking review of an arbitration award on the grounds that the arbitrator exceeded his jurisdiction and that the award is contrary to law and public policy. The arbitrator reduced the grievant's termination to a time-served suspension and denied back pay and benefits. The Union's arbitration review request and the Agency's opposition are before the Board.

B. District of Columbia Housing Authority v. American Federation of Government Employees, Local 2725

PERB Case No. 19-A-11

The Agency filed an arbitration review request, seeking review of an arbitration award on the grounds that the arbitrator exceeded his jurisdiction and that the award is contrary to law and public policy. The Agency seeks review of the same arbitration award challenged by the Union in PERB Case No. 19-A-10. The Agency's arbitration review request and the Union's opposition and request for attorney fees are before the Board.

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

PERB Case No. 20-A-02

The Agency filed an arbitration review request, seeking review of an arbitration award on the grounds that the Arbitrator exceeded her jurisdiction and that the award is contrary to law and public policy. The arbitrator reversed the grievant's termination with no back pay, but awarded the grievant's seniority and pension benefits calculated from the date of her termination. The Agency's arbitration review request and the Union's opposition are before the Board.

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

PERB Case No. 20-A-03

The Agency filed an arbitration review request, seeking review of an arbitration award on the grounds that the arbitrator exceeded his jurisdiction and that the award is contrary to law and public policy. In the award, the arbitrator reduced the grievant's termination to a ninety-day suspension. The Agency's arbitration review request and the Union's opposition are before the Board.

E. Washington Teachers' Union Local #6 v. District of Columbia Public Schools

PERB case No. 20-U-06

The Union filed a motion for preliminary relief, requesting the Board to order the Agency to stop further implementation of a policy impacting bargaining unit employees. The Union argued that the Agency implemented the policy without bargaining and the policy has the potential of negatively impacting students, schools, and communities. The Union's motion and the Agency's opposition are before the Board.

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

PERB Case No. 18-U-01

The Union filed an unfair labor practice complaint against the Agency, alleging that the Agency unilaterally changed a parking policy. The matter was sent to a hearing and the Hearing Examiner's Report and Recommendation is before the Board. Additionally, the issue of whether the Board has the jurisdiction under the CMPA and Federal Back Pay Act to award attorney fees in appropriate unfair labor practice cases is also before the Board. The Board had tabled this case at the December 2019 meeting.

G. American Federation of State, County and Municipal Employees, Local 2087 v. University of the District of Columbia

PERB Case No. 18-U-03

The Union filed an unfair labor practice complaint, alleging the Agency failed to pay bargaining unit employees step increases. The matter was sent to a hearing and the Hearing Examiner's Report and Recommendation is before the Board. The Board had tabled this case at the December 2019 meeting.

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. The meeting was closed for deliberations.

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

American Federation of Government Employees, Local 2725 v. District of Columbia Housing Authority

PERB Case No. 19-A-10

Motion: It was moved and seconded that the Board deny the Arbitration Review Request, as it does not satisfy the statutory basis for the Board’s review.

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		

District of Columbia Housing Authority v. American Federation of Government Employees, Local 2725

PERB Case No. 19-A-11

Motion: It was moved and seconded that the Board deny the Arbitration Review Request, as it does not satisfy the statutory basis for the Board’s review, and order DCHA to pay AFGE’s litigation costs and attorney fees in association with Case No. 19-A-11.

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		

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

PERB Case No. 20-A-02

Motion: It was moved and seconded that the Board deny the Arbitration Review Request, as it does not satisfy the statutory basis for the Board's review.

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		

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

PERB Case No. 20-A-03

Motion: It was moved and seconded that the Board deny the Arbitration Review Request, as it does not satisfy the statutory basis for the Board's review.

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		

Washington Teachers' Union Local #6 v. District of Columbia Public Schools

PERB case No. 20-U-06

Motion: It was moved and seconded that the Board deny WTU's Motion for Preliminary Relief, as it does not satisfy the Board's requirements under PERB Rule 501.15.

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		

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 that the Board adopt the Hearing Examiner's Report and Recommendation finding that Respondent committed an unfair labor practice, and the Board remands the case to the Hearing Examiner for a recommendation with respect to the remedy, including whether an award of attorney fees is appropriate and, if so, an appropriate fee award.

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		

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 this case.

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

The meeting was adjourned at 1:14 p.m.
Prepared by: Antwanette Murphy, Administrative Officer.