



January 16, 2020

MINUTES

The regular monthly meeting of PERB was held on Thursday, January 16, 2020, at 10:00 A.M. at PERB headquarters.

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

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

The minutes for the December 18, 2019 meeting were adopted.

The Executive Director reported that 6 new cases had been filed and 39 cases are pending.

The Executive Director also reported that Second Tuesdays at PERB was held on January 14, 2020. Topic: Civility and Ethics in Labor Relations.

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. **National Association of Government Employees and Department of Forensic Sciences**

PERB Case No. 19-RC-01

On July 24, 2019, the National Association of Government Employees filed a Petition for Recognition, seeking to represent a proposed bargaining unit for the purpose of collective bargaining at the District of Columbia Department of Forensic Sciences. On August 22, 2019, the Agency submitted a list of employees and comments to the Petition. Pursuant to PERB Rule 502.4, the Executive Director determined that the union met its showing of interest and issued a notice, which the agency posted for fourteen (14) consecutive days. The Board received no comments or requests for intervention in response to the notice. The Hearing Examiner's Report and Recommendation and the Petition are before the Board.

B. Monica Martinez v. District of Columbia Public Schools

PERB Case No. 19-U-01

Complainant Monica Martinez filed an unfair labor practice complaint against DCPS, alleging that DCPS violated D.C. Official Code § 1-617.04(a)(3) and (4). The Complaint alleged that DCPS exceded Complainant from Complainant’s teaching position in retaliation for filing an unfair labor practice complaint against DCPS and for having sought WTU’s representation in a complaint about Complainant’s job duties. DCPS countered that the Complaint failed to allege any unfair labor practice, was untimely filed, and the allegations therein were outside of the Board’s jurisdiction. A hearing was held, and the Hearing Examiner’s Report and Recommendation is before the Board.

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:

National Association of Government Employees and Department of Forensic Sciences

PERB Case No. 19-RC-01

Motion: It was moved and seconded to find the proposed bargaining unit appropriate for collective bargaining over terms and conditions of employment and ordered an on-site election to determine the will of eligible employees in the unit.

Name	In Favor	Opposed	Table
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		

Monica Martinez v. District of Columbia Public Schools

PERB Case No. 19-U-01

Motion: It was moved and seconded that the Board adopt the Hearing Examiner's recommendation that DCPS did not violate D.C. Official Code § 1-617.04(a)(3) and (4), and that the Board dismiss the Complaint.

Name	In Favor	Opposed	Table
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		

ADJOURNMENT

The meeting was adjourned at 11:00 A.M.
Prepared by: Antwanette Murphy, Administrative Officer.