



GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD

March 19, 2020

MINUTES

The regular monthly meeting of PERB was held on Thursday, March 19, 2020, at 11:00 a.m. via WebEx Meeting Conference.

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

Staff Attendance: Executive Director Clarene Martin, Supervisory Attorney Erica Balkum, Attorney Advisor Merlin George, Attorney Advisor Royale Simms, and Office Administrator Antwanette Murphy.

The minutes for the February 20, 2020 meeting were adopted.

The Executive Director reported that, amidst COVID-19 over the past couple of weeks, time has been spent preparing for Telework process and procedures for PERB. Also during this time, there have been multiple WebEx trials, as well as multiple WebEx meetings with various Directors and Agencies throughout the District of Columbia.

The Executive Director also reported that Second Tuesdays at PERB was held on March 10, 2020, and there were twenty people in attendance. Topic: Recent and Interesting Board Decisions.

DOCKET:

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

Proposed Notice of Final Rulemaking

The Board's Second Notice of Proposed Rulemaking was published in the D.C. Register January 17, 2020. No comments were received to date. A proposed notice of Final Rulemaking is before the Board today.

**American Federation of Government Employees, Local 1000 v. District of Columbia
Department of Employment Services**

PERB Case No. 13-U-07

This case is before the Board on a motion for reconsideration of the Board's decision in Opinion No. 1730. The Board found that DOES committed an unfair labor practice by unilaterally implementing the 2012 Dress Code without engaging in substantive bargaining. The AFGE

Local 1000 requests the Board to reconsider its decision to include bargaining over the 2018 Dress Code as part of the remedy.

American Federation of State, County and Municipal Employees, District Council 20, Local 2087

PERB Case No. 18-U-03

AFSCME Local 2087 filed this unfair labor practice complaint against the University of the District of Columbia, alleging that UDC did not bargain over a past practice of providing step increases without notice and bargaining with AFSCME first. The matter was sent to a hearing, and the Hearing Examiner's Report and Recommendation is before the Board. This case was tabled at the Board's December and February meetings.

National Association of Government Employees and District of Columbia Department of Forensic Sciences

PERB Case No. 19-RC-01

A motion to intervene is before the Board. NAGE filed a Petition for Recognition, seeking to represent a proposed bargaining unit at the District of Columbia Department of Forensic Sciences. AFGE requests to intervene prior to an election.

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

PERB Case No. 20-A-04

DCPS filed the instant Arbitration Review Request, asserting that the Arbitrator exceeded his jurisdiction in clarifying the remedy and that the clarification of the remedy is contrary to law and public policy.

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.

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

Proposed Notice of Final Rulemaking

Motion: It was moved and seconded to adopt the Notice of Final Rulemaking for submission to the D.C. Office of Documents and Administrative Issuances for publication in the D.C. Register, effective May 1, 2020.

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 Government Employees, Local 1000 v. District of Columbia
Department of Employment Services**

PERB Case No. 13-U-07

Motion: It was moved and seconded that the Board reject the recommendation of staff to deny the motion for reconsideration. The motion for reconsideration was granted by the Board.

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,
District Council 20, Local 2087**

PERB Case No. 18-U-03

Motion: It was moved and seconded that the Board 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

**National Association of Government Employees and District of Columbia
Department of Forensic Sciences**

PERB Case No. 19-RC-01

Motion: It was moved and seconded to grant AFGE’s motion to intervene. The election will be held via mail ballot as soon as practical in response to restrictions because of COVID-19.

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

PERB Case No. 20-A-04

Motion: It was moved and seconded to deny DCPS's request for review of the arbitration 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		

The meeting was adjourned at 12:58 p.m.
Prepared by: Antwanette Murphy, Administrative Officer.