



MINUTES

The regular monthly meeting of PERB was held on Thursday, May 28, 2020, at 11:00 a.m. via Webex Meeting Conference, in response to COVID-19.

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 Advisor Erica Balkum, Attorney Advisor Merlin George, Attorney Advisor Royale Simms, and Office Administrator Antwanette Murphy.

The minutes for the March 19, 2020 meeting were adopted.

The Executive Director reported that, amidst COVID-19, Mediations and Hearings have been temporary suspended and will resume in June remotely. Pre-Mediation/Hearing conferences will be held. Preliminary matters will be discussed to expedite Hearings and Mediations.

There are currently 33 Open Cases and 15 closed cases to date. PERB intends to try to resolve all open cases by the end of the Fiscal Year (September 30, 2020).

The Executive Director also reported that there will be a virtual Webex training for Hearing Examiners on June 10, 2020. The Webex training will be conducted by Hearing Examiner Keith Greenberg.

The Fiscal Year (FY) 2021 budget was sent to PERB by the Mayor on May 15, 2020. In lieu of a budget hearing, the Executive Director had a virtual Budget Conference with the City Council staff on May 22, 2020.

The Executive Director also reported that due to COVID-19, there was a \$700M budget shortfall in the District of Columbia. Therefore, the City has made budget cuts/adjustments to FY20 and FY21 budgets across the board.

PUBLIC FORUM: No one from the public attended.

DOCKET:

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

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

Before the Board was a Motion for Reconsideration filed by the Agency, seeking reconsideration of the Board's decision and Order in Opinion No. 1739 with respect to the Board's decision concerning its jurisdiction to award attorney fees.

B. American Federation of State, County and Municipal Employees, District Council 20, Local 2087
PERB Case No. 18-U-03

The Union filed an unfair labor practice complaint against the Agency, alleging that the Agency committed an unfair labor practice by unilaterally ending a past practice of providing step increases. The matter was sent to a hearing and the Hearing Examiner's Report and Recommendation was before the Board. This case was tabled at the Board's March meeting.

C. Andebrhan Berhe v. Washington Teacher's Union
PERB Case No. 19-U-08

Before the Board was a Motion for Reconsideration filed by a pro se complainant. Complainant, a former member of Washington Teachers' Union, seeks the Board's reconsideration of its decision and order, sustaining the Executive Director's administrative dismissal of Complainant's unfair labor practice complaint. Washington Teachers' Union opposed the Motion.

D. Andebrhan Berhe v. Washington Teacher's Union
PERB Case No. 19-U-20

Before the Board was a Motion for Reconsideration filed by a pro se complainant. Complainant, a former member of Washington Teachers' Union, seeks the Board's reconsideration of the Executive Director's administrative dismissal of Complainant's unfair labor practice complaint. The Executive Director determined that the Complaint was barred by the doctrine of collateral estoppel. Washington Teachers' Union opposed the Motion.

E. Bernard Bryan, et al. v. Benjamin Olubasusi, et al.
PERB Case No. 19-S-02

The standards of conduct complaint involved an internal dispute between members of the union's executive committee. The dispute arose after a disagreement on how to investigate and remedy the chairman's alleged acts. Initially, the treasurer filed the standards of conduct complaint against the chairman, but later the Complaint was amended to allege that the executive committee violated the fiscal integrity of the union. The issue before the Board was whether the hearing examiner's

findings were reasonable, supported by the record, and consistent with precedent. Complainants filed exceptions to the HE's Report.

F. American Federation of Government Employees, AFL-CIO Local 631 v. District of Columbia Office of Labor Relations and Collective Bargaining et al.

PERB Case No. 20-U-23

Before the Board was a Motion for Reconsideration filed by the Respondents, seeking reconsideration of the Board's Decision and Order in Opinion No. 1743, in which the Board granted, in part, the Union's request for preliminary relief. The Respondents asserted the Board's Decision and Order is contrary to law. The Union opposed the Motion.

G. Fraternal Order of Police/Department of Corrections Labor Committee v. Department of Corrections

PERB Case No. 20-U-24

Before the Board was a Motion for Reconsideration filed by the Department of Corrections, seeking reconsideration of the Board's Decision and Order in Opinion No. 1744, in which the Board granted, in part, a Motion for Preliminary Relief filed by Fraternal Order of Police/Department of Corrections Labor Committee. The Respondents asserted the Board's Decision and Order is contrary to law. The Union opposed the Motion.

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:

A. 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 deny the Department of General Services' Motion for Reconsideration.

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		

B. 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 reject the Hearing Examiner’s Report and recommendation and dismiss AFSCME Local 2087’s Complaint as untimely.

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		

C. Andebrhan Berhe v. Washington Teacher’s Union

PERB Case No. 19-U-08

Motion: It was moved and seconded to deny the Complainant’s Motion for Reconsideration.

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		

D. Andebrhan Berhe v. Washington Teacher's Union

PERB Case No. 19-U-20

Motion: It was moved and seconded to deny the Complainant's Motion for Reconsideration.

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		

E. Bernard Bryan, et al. v. Benjamin Olubasusi, et al.

PERB Case No. 19-S-02

Motion: It was moved and seconded to accept the hearing examiner's recommendations and order the Fraternal Order of Police/Department of Corrections Labor Committee to comply with the Standards of Conduct for labor organizations.

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		

F. American Federation of Government Employees, AFL-CIO Local 631 v. District of Columbia Office of Labor Relations and Collective Bargaining et al.

PERB Case No. 20-U-23

Motion: It was moved and seconded to deny the Respondents' Motion for Reconsideration.

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		

G. Fraternal Order of Police/Department of Corrections Labor Committee v. Department of Correction's

PERB Case No. 20-U-24

Motion: It was moved and seconded to deny the Department of Correction's Motion for Reconsideration.

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		

OLD BUSINESS: None

The meeting was adjourned at 1:30 p.m.
Prepared by: Antwanette Murphy, Administrative Officer.