



**DRAFT MINUTES**

The regular monthly meeting of PERB was held on Thursday, April 15, 2021, at 11:00 a.m. via Webex Meeting Conference. Board Chairperson Douglas Warshof, presiding; Board Member Barbara Somson, Board Member Mary Anne Gibbons, and Board Member Peter Winkler were present.

Staff Attendance: Executive Director Clarene Martin, Supervisory Attorney Advisor Erica Balkum, Attorney Advisor Royale Simms, Attorney Advisor Elizabeth Slover, Administrative Officer Antwanette Murphy, and Senior Staff Assistant Gertie Elam. In attendance also, were PERB Interns, Sabrina Bey and Oluwadamilola Animashaun.

The minutes for the March 18, 2021 meeting were adopted.

The Executive Director reported that, to date, 11 cases closed, 7 cases were withdrawn, and D & O's were issued in 4 cases. As for the cases, for the year, there were 30 open cases, and as of the end of March, 46 cases were closed.

She reported that Friday March 16<sup>th</sup>, 2021 is a District Holiday and PERB office will be closed.

She also reported that the PERB Interns held a panel discussion on, Wednesday April 15, 2021 via WebEx for the Hearing Examiners on the topic "Virtual Hearings and Mediations at PERB during COVID-19". There were a total of 5 Hearing Examiners in attendance.

She announced that the Budget Hearing is scheduled for May 17, 2021.

In addition, she stated that she was invited to participate on the LERA (Labor and Employee Relations Association) Virginia Panel, where she gave a short history of PERB and the function of PERB's Board.

**DOCKET:**

**A. Sharon Denise Wise v. American Federation of Government Employee, Local 631**  
PERB Case No. 20-U-12

Summary: This matter involves an Unfair Labor Practice Complaint filed by a pro se filer against AFGE Local 631. The Complainant alleges that AFGE Local 631 breached its duty of fair representation. The Executive Director dismissed the Complaint on December 4, 2020, finding that the events alleged before September 22, 2020, were time-barred and finding that all other allegations failed to state a claim upon which relief could be granted. The matter is before the Board for reconsideration of the Executive Director's dismissal.

**B. National Association of Government Employees v. District of Columbia Department of Forensic Sciences**  
PERB Case No. 20-U-08

Summary: In this case, NAGE alleges that DFS committed unfair labor practices by discriminating and retaliating against employees for their union activities. DFS denies any violation. A hearing was held, and the Hearing Examiner's Report and Recommendation is before the Board.

**C. District of Columbia Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department Labor Committee**  
PERB Case No. 21-A-06

Summary: This case is an arbitration review request filed by the Metropolitan Police Department. MPD asserts that the arbitration award is contrary to law and public policy on the grounds that the Arbitrator improperly found that MPD violated the 90-day rule. FOP opposes MPD's request.

**D. District of Columbia Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department Labor Committee**  
PERB Case No. 21-A-08

Summary: This case is an arbitration review request filed by the Metropolitan Police Department. MPD asserts that the Arbitrator exceeded her jurisdiction and that the Award is contrary to law and policy when the Arbitrator reduced the Grievant termination to a 90-day suspension.

It was moved and seconded to close the meeting in accordance with D.C. Official Code § 2-575(b)(13). The motion passed unanimously.

Following deliberations, the closed meeting session was reopened. The Board voted as follows:

**A. Sharon Denise Wise v. American Federation of Government Employee, Local 631**  
PERB Case No. 20-U-12

**Motion:** It was moved and seconded that the Board affirm the Executive Director's dismissal of the complaint.

<b>Name</b>	<b>In Favor</b>	<b>Opposed</b>	<b>Table</b>
Chairperson Douglas Warshof	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		
Board Member Barbara Somson	X		

**B. National Association of Government Employees v. District of Columbia Department of Forensic Sciences**  
 PERB Case No. 20-U-08

**Motion:** It was moved and seconded that the Board dismiss the Complaint filed by the National Association of Government employees.

<b>Name</b>	<b>In Favor</b>	<b>Opposed</b>	<b>Abstain</b>
Chairperson Douglas Warshof	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		
Board Member Barbara Somson	X		

**C. District of Columbia Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department Labor Committee**  
 PERB Case No. 21-A-06

**Motion:** It was moved and seconded that the Board deny MPD’s arbitration review request.

<b>Name</b>	<b>In Favor</b>	<b>Opposed</b>	<b>Abstain</b>
Chairperson Douglas Warshof	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		
Board Member Barbara Somson	X		

**D. District of Columbia Metropolitan Police Department v. Fraternal Order of Police Department Labor Committee**

PERB Case No. 21-A-08

**Motion:** It was moved and seconded that the Board deny MPD's arbitration request.

<b>Name</b>	<b>In Favor</b>	<b>Opposed</b>	<b>Table</b>
Chairperson Douglas Warshof	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		
Board Member Barbara Somson	X		

**Old Business:** There was none.

The meeting was adjourned at 12:00 p.m.

The next Board Meeting will be held on Thursday, May 20, 2021.

It was moved and seconded to move into an Executive Session.