



## **DRAFT MINUTES**

The regular monthly meeting of PERB was held on Thursday, February 17, 2022, at 11:00 a.m. via WebEx Meeting Conference. Board Chairperson Douglas Warshof, presiding; Board Member Mary Anne Gibbons, Board Member Peter Winkler, and Board Member Renee Bowser were present.

Staff Attendance: Executive Director Clarene Martin, Supervisory Attorney Advisor Erica Balkum, Attorney Advisor Elizabeth Slover, Administrative Officer Antwanette Murphy, Program Analyst Dawan Jones, and Senior Staff Assistant Gertie Elam.

The minutes for the January 20, 2022, meeting were approved.

The Executive Director reported that PERB opened 4 cases for the month of January, and 4 cases were closed. One mediation was held, 1 tentative settlement and 1 withdrawal for the month of February. Additionally, one motion for reconsideration was filed.

In addition, 16 cases were filed in D.C. Superior Court.

The Executive Director also mentioned that Second Tuesdays at PERB took place on February 8, 2022, with 33 attendees. The topic was: Bargaining: General Duty, Impacts and Effects.

The Executive Director reported that PERB participated in the Performance Oversight Hearing with the D.C. Council on February 4, 2022.

It was mentioned that the Financial Disclosure Report filing is due May 16<sup>th</sup> and PERB will be providing the list to them March 1, 2022.

### **Public Forum**

There was a guest in attendance from the Public, Barbara Hutchinson.

**DOCKET:**

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

**A. Fraternal Order of Police/Department of Corrections Labor Committee v. Department of Corrections.**  
PERB Case No. 20-U-24

Summary: In this case, Fraternal Order of Police alleges that Department of Corrections violated D.C. Official Code §1-617.04(a) (1) and (5) through its actions in response to COVID-19 emergency. Department of Corrections denies that its actions constituted an unfair labor practice. A hearing examiner's report and recommendation is before the Board.

**B. American Federation of Government Employees, Local 631 v. Office of Labor Relations and Collective Bargaining, et. al.**  
PERB Case No. 22-N-02

Summary: This case is before the Board on a Motion for Reconsideration. In its previous decision in this matter, the Board held that the Vaccination Requirements for District employees are not subject to bargaining, even over impact and effects. In its Motion for Reconsideration, the Union claims that the Board erred in its decision. The Agencies oppose the Union's Motion.

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 meeting was reopened. The Board voted as follows:

**A. Fraternal Order of Police/Department of Corrections Labor Committee v. Department of Corrections.**  
PERB Case No. 20-U-24

**Motion:** It was moved and seconded that the Board adopt the Hearing Examiners motion to dismiss FOP’s complaint and vacate Opinion No. 1744 and 1788 in the case of OLRCB v. PERB.

<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 Renee Bowser	X		

**B. American Federation of Government Employees, Local 631 v. Office of Labor Relations and Collective Bargaining, et al.**  
 PERB Case No. 22-N-02

**Motion:** It was moved and seconded that the Board deny AFGE’s Motion for Reconsideration of Opinion No. 1804.

<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 Renee Bowser	X		

**Old Business:** None

The next Board Meeting will be held on March 17, 2022.

Executive Session