



DRAFT MINUTES

The regular monthly meeting of PERB was held on Thursday February 18, 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, Attorney Advisor Royale Simms, Attorney Advisor Elizabeth Slover, Administrative Officer Antwanette Murphy, Program Analyst Dawan Jones and Senior Staff Assistant Gertie Elam.

The minutes for the January 29, 2021 meeting were adopted.

The Executive Director reported that she was able to meet with representatives from MPD and FOP to discuss compliance in the 4 cases on the Docket involving the MPD and FOP.

PERB's Performance Oversight Hearing was held by the Council. PERB has been tasked with providing information on its Arbitration Review cases.

DOCKET:

The Executive Director summarized the following matters on the docket for Board consideration:

A. Fraternal Order of Police/Metropolitan Police Department Labor Committee v. District of Columbia Metropolitan Police Department

PERB Case No. 21-E-01, 21-E-02, 21-E-03, 21-E-04

Summary: In each of these cases, the Fraternal Order of Police has filed a petition for enforcement. FOP asserts that the MPD has failed to comply with the Board's orders. MPD does not dispute FOP's assertions. MPD has exhausted its appeals and provides no legal basis for its continued refusal to comply with the Board's orders. The issue before the Board is whether to grant the petitions for enforcement.

B. American Federation of State, County, and Municipal Employees, District Council 20, AFL-CIO Local 2743 v. The Department of Consumer and Regulatory Affairs

PERB Case No. 20-UC-01

Summary: This matter involves a Unit Clarification Petition which the American Federation of State, County, and Municipal Employees, District Council 20, AFL-CIO, Local 2743 filed, seeking to return three promoted employees to the bargaining unit they were in prior to promotion. Sometime around February of 2020, the employees in question were promoted to the position of Grade 12 Program Analyst in what was then the Office of Compliance (now, the

Consumer Protection Division). DCRA determined that, in their new positions, the employees were no longer fit to be part of the bargaining unit under D.C. Official Code § 1-617.09(b)(2) and (3), as they were confidential employees or employees engaged in personnel work, other than in a purely clerical capacity. The Union disagreed and filed a Unit Clarification Petition, contending that the employees should be included in the bargaining unit, as they were not confidential employees and were not engaged in personnel work, other than in a purely clerical capacity. This matter went before a Hearing Examiner, who sided with the Union and recommended that DCRA be required to include the three promoted employees in the bargaining unit. The issue before the Board is whether the Hearing Examiner’s recommendation is reasonable, supported by the record, and consistent with Board precedent.

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

A. Fraternal Order of Police/Metropolitan Police Department Labor Committee v. District of Columbia Metropolitan Police Department
 PERB Case No. 21-E-01, 21-E-02, 21-E-03, 21-E-04

Motion: It was moved and seconded, that the Board grant the Fraternal Order of Police/Metropolitan Police Department Labor Committee’s Petitions for Enforcement in PERB Case Nos. 21-E-01, 21-E-02, 21-E-03, and 21-E-04.

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

B. American Federation of State, County, and Municipal Employees, District Council 20, AFL-CIO Local 2743 v. The Department of Consumer and Regulatory Affairs
 PERB Case No. 20-UC-01

Motion: It was moved and seconded that, the Board adopt the Hearing Examiner’s recommendations and order the District of Columbia Department of Consumer and Regulatory Affairs to include the three employees promoted to Grade 12 Program Analyst in the bargaining unit of AFSCME District Council 20, Local 2743, AFL-CIO.

Name	In Favor	Opposed	Abstain
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 1:15 p.m.