



DRAFT MINUTES

The regular monthly meeting of PERB was held on Thursday, January 20, 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 December 16, 2021 meeting were approved.

The Executive Director reported that PERB opened 1 case for the month of December, and 6 cases were closed. There was 1 mediation, and 1 settled. Additionally, there was a motion for reconsideration.

In addition, there were 2 cases filed in Superior Court.

The Executive Director also mentioned that Second Tuesdays at PERB on Weingarten Rights was received very well with a total of 21 attendees.

The Executive Director reported that the responses for the Performance Oversight were sent to the DC Council last week and the Performance Oversight Hearing is scheduled for February 4, 2022.

It was mentioned that interviews for the Attorney Advisor positions will begin next week. There are currently 7 candidates.

DOCKET:

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

A. American Federation of Government Employees, Local 631 v. District of Columbia Office of Labor Relations and Collective Bargaining, et al.
PERB Case No. 20-U-23

Summary: This matter is before the Board for an order in accordance with a D.C. Superior Court's decision reversing the Board's prior decisions in this case. The Superior Court reversed the Board's interpretation of the COVID-19 Emergency Act.

B. District of Columbia Metropolitan Police Department v. Fraternal Order of Police/ Metropolitan Police Department Labor Committee
PERB Case No. 16-A-18(R)

Summary: This matter comes before the Board on remand from the D.C. Court of Appeals and the D.C. Superior Court. This matter has been remanded to the Board to decide whether the Arbitrator's factual findings determined as a matter of law that the Grievant's conduct was the subject of a criminal investigation beginning on the day of the incident at issue.

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. American Federation of Government Employees, 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 that the Board vacate Opinion Nos. 1743, 1747 and 1768 in accordance with the DC Superior Court Order.

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

**B. District of Columbia Metropolitan Police Department v. Fraternal Order of Police/
Metropolitan Police Department Labor Committee**
PERB Case No. 16-A-18 (R)

Motion: It was moved and seconded that the Board vacate Opinion No. 1603 in PERB Case No. 16-A-18 Grand Metropolitan Police Department’s Arbitration Review Request, and remand the matter to the arbitrator for an order in accordance with the Board’s decision and conduct any additional findings required.

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

Old Business:

The meeting was adjourned at 11:25 a.m.

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