



**MINUTES**

PERB held its regular monthly meeting on Thursday, July 20, 2023, at 11:00 a.m. via Webex Meeting Conference. Board Chairperson Douglas Warshof, presiding; Board Member Renee Bowser and Board Member Mary Anne Gibbons were present.

Staff Attendance: Executive Director Clarene Martin, Supervisory Attorney Advisor Royale Simms, Attorney Advisor Isaac Katz, Attorney Advisor Elizabeth Slover, Attorney Advisor Rita Solomon, Program Analyst Dawan Jones, Operations Manager Crystal Davis, and Senior Staff Assistant Gertie Elam.

The Board adopted the June 15, 2023, meeting minutes.

The Executive Director reported the following:

1. The Association of Labor Relations Agencies hosted its 70th Annual Conference in Vancouver, Canada, from July 15, 2023, to July 18, 2023; two PERB attorneys attended.
2. Second Tuesdays at PERB was held on June 13, 2023, and discussed the topic “Duty to Supply Information.” This was the last training for the fiscal year.
3. During the month of June, three cases were closed, one opened, and two hearings were held.

**DOCKET:**

Supervisory Attorney Advisor Royale Simms summarized the following matters on the docket for Board consideration:

- A. District of Columbia American Federation of Government Employees, Local 872 v. District of Columbia Water and Sewer Authority**  
**PERB Case No. 23-U-07**

Summary: AFGE alleges that WASA committed an unfair labor practice by unilaterally implementing on-call work assignments in contravention of the parties’ collective bargaining agreement. WASA denies this allegation, arguing that the parties’ compensation agreement affords WASA the right to assign on-call work. WASA further asserts that assignment of on-call work is a management right. This matter is now before the Board.

**B. District of Columbia Department of Human Services v. American Federation of State, County and Municipal Employees, District Council 20, Local 2401**  
**PERB Case No. 23-A-04**

Summary: DHS seeks review of an arbitration award that found DHS committed an unjustified or unwarranted personnel action by restricting a Grievant's ability to work overtime shifts. The Arbitrator found that DHS violated its CBA with AFSCME, which requires that overtime work be equally distributed among employees, therefore entitling the Grievant to back pay under the Federal Back Pay Act. The Arbitrator ordered DHS to restore the Grievant's ability to volunteer for overtime shifts, compensate the Grievant for the overtime shifts she would have otherwise worked, and pay AFSCME reasonable attorney fees. DHS seeks review on the grounds that the Award is contrary to law and public policy. DHS's request is now before the Board.

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. District of Columbia American Federation of Government Employees, Local 872 v. District of Columbia Water and Sewer Authority**  
**PERB Case No. 23-U-07**

**Motion:** It was moved and seconded that the Board dismiss this case for lack of jurisdiction and defer this matter to the grievance and arbitration procedures set forth in the parties' collective bargaining agreement.

<b>Name</b>	<b>In Favor</b>	<b>Opposed</b>	<b>Table</b>
Chairperson Douglas Warshof	X		
Board Member Mary Anne Gibbons	X		
Board Member Renee Bowser	X		

**B. District of Columbia Department of Human Services v. American Federation of State, County and Municipal Employees, District Council 20, Local 2401**  
**PERB Case No. 23-A-04**

**Motion:** It was moved and seconded that the Board deny DHS’s Arbitration Review Request and dismiss this matter in its entirety.

<b>Name</b>	<b>In Favor</b>	<b>Opposed</b>	<b>Table</b>
Chairperson Douglas Warshof	X		
Board Member Mary Anne Gibbons	X		
Board Member Renee Bowser	X		

**Old Business: None**

The meeting was adjourned at 11:34 a.m.

The next Board meeting will be held on Thursday, September 21, 2023.