



MINUTES

PERB held its regular monthly meeting on Thursday, June 15, 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 May 18, 2023, meeting minutes.

The Executive Director reported the following:

1. Board Member Peter Winkler's Appointment packet has been sent to Council. PERB will work with the Council's office to schedule his confirmation before the Council goes on recess on July 15, 2023.
2. Second Tuesdays at PERB was held on June 13, 2023, and discussed the topic "Duty to Supply Information."
3. During the month of May, 5 cases were closed, 4 opened, and three meditations and two hearings were held.

DOCKET:

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

A. Fraternal Order of Police/Metropolitan Police Department Labor Committee (on behalf of Johnny Norris) v. District of Columbia Metropolitan Police Department PERB Case No. 23-A-01

Summary: FOP seeks review of an arbitration award that denied a grievance FOP filed on behalf of a terminated MPD officer. The Arbitrator found that the Grievant violated MPD policy through his involvement in the commission of an act which would constitute a crime. The Arbitrator determined that the Grievant was terminated for cause and that termination was an appropriate penalty. FOP argues that the Award upholding the Grievant's termination was contrary to law and public policy. FOP's request is now before the Board.

B. District of Columbia Public Schools v. Washington Teachers' Union Local #6, AFT, AFL-CIO
PERB Case No. 23-A-03

Summary: DCPS requests review of an Award that ordered, in part, an improperly terminated Grievant receive: (1) a payment in the amount of the full balance of the Grievant's outstanding student loan debt and reimbursement for any payments made toward the Grievant's student loan debt since the end of the 2019-2020 school year; (2) a payment in the amount of the estimated July 2019 value of three graduate-level credit hours at Georgetown University that the Grievant would have received for a graduate program the Grievant could not complete as a result of the Grievant's improper termination; and (3) a "tax gross-up" – an additional sum to account for the difference in taxes the Grievant will owe as a result of receiving the monetary remedies from the Award as a lump sum rather than the payments that the Grievant would have received incrementally over multiple years. DCPS seeks review on the grounds that the Award is contrary to law and public policy. DCPS'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. Fraternal Order of Police/Metropolitan Police Department Labor Committee (on behalf of Johnny Norris) v. District of Columbia Metropolitan Police Department
PERB Case No. 23-A-01

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

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

B. District of Columbia Public Schools v. Washington Teachers' Union Local #6, AFT, AFL-CIO

PERB Case No. 23-A-03

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

Name	In Favor	Opposed	Table
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, July 20, 2023.