



DRAFT MINUTES

The regular monthly meeting of PERB was held on Thursday, June 17, 2021, at 11:00 a.m. via Webex Meeting Conference. Board Chairperson Douglas Warshof, presiding; Board Member Barbara Somson and Board Member Peter Winkler were present. Board Member, Mary Ann Gibbons was excused.

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

The minutes for the May 20, 2021 meeting were adopted.

The Executive Director reported that, there are 31 cases currently open, and in the month of May, three cases closed. A total of 55 cases were closed this fiscal year.

In addition, for the month of May, PERB had three mediations, one of which was settled bringing the total mediations to 17 and total settlements to 9.

It was moved and seconded to close the meeting in accordance with D.C. Official Code § 2-575(b)(13). The motion passed unanimously.

The Board met with outside counsel, Geoffrey Simpson.

Following a brief discussion, the closed meeting session was reopened.

DOCKET:

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

- A. Tasheanna Harris, et al. v. Fraternal Order of Police/Department of Corrections Labor Committee**
PERB Case No. 20-S-04

Summary: The Complainants, *pro se*, filed a standards of conduct complaint against the Fraternal Order of Police/Department of Corrections Labor Committee (Union), alleging that the

Union violated its bylaws and D.C. Official Code § 1-617.03 by postponing a Union election. The Union filed an answer, asserting that the election postponement was a safety precaution related to the public health emergency. PERB ordered a hearing, and the hearing examiner's report and record is before the Board. The parties did not file exceptions.

B. Fraternal Order of Police/Metropolitan Police Department Labor Committee v. Metropolitan Police Department

PERB Case No. 21-E-08

Summary: The matter before the Board is a petition for enforcement (Petition), in which the Fraternal Order of Police/Metropolitan Police Department Labor Committee (Union) alleges the Metropolitan Police Department (MPD) has failed to comply with an arbitration award that was upheld by the Board in Opinion 1705. MPD filed an answer disputing the Petition's allegations.

C. John T. McFarland v. Department of Consumer and Regulatory Affairs/District of Columbia Department of Human Resources

PERB Case No. 21-U-13(MFR)

Summary: The matter before the Board is a Motion for Reconsideration of the Executive Director's administrative dismissal of an unfair labor practice complaint (Complaint) filed by the *pro se* Complainant. The Complainant alleged violations of D.C. Official Code § 1-617.04(a)(5), which prohibits the District, its agents, and its representatives from "[r]effusing to bargain collectively in good faith with the exclusive representative." The Executive Director administratively dismissed the Complaint on standing grounds.

D. District of Columbia Public Schools v. Washington Teacher's Union, Local 6, American Federation of Teachers, AFL-CIO

PERB Case No. 20-U-29

Summary: In this case, DCPS filed an unfair labor practice complaint that alleged WTU engaged in bad faith bargaining. PERB ordered a hearing. The hearing examiner's report and the record are before the Board for a determination of whether WTU violated the CMPA. The parties did not file exceptions.

E. Keisha Jones v. National Association of Government Employees

PERB Case No. 20-U-09(MFR)

Summary: In this case, the *pro se* Complainant requests reconsideration of the Executive Director's administrative dismissal of her unfair labor practice complaint (Complaint). The Executive Director dismissed the Complaint for failing to allege facts that would rise to the level of an unfair labor practice.

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. Tasheanna Harris, et al. v. Fraternal Order of Police/District of Columbia Labor Committee

PERB Case No. 20-S-04

Motion: It was moved and seconded that the Board adopt the Hearing Examiner’s recommendation and dismiss the case.

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

B. Fraternal Order of Police/Department of Corrections Labor Committee v. Metropolitan Police Department

PERB Case No. 21-E-08

Motion: It was moved and seconded that the Board grant the Petition for Enforcement of Order.

Name	In Favor	Opposed	Abstain
Chairperson Douglas Warshof	X		
Board Member Peter Winkler	X		
Board Member Barbara Somson	X		

C. John T. McFarland v. Department of Consumer and Regulatory Affairs/District of Columbia Department of Human Resources
 PERB Case No. 21-U-13 (MFR)

Motion: It was moved and seconded that the Board uphold the Executive Director’s decision and deny the Motion for Reconsideration.

Name	In Favor	Opposed	Abstain
Chairperson Douglas Warshof	X		
Board Member Peter Winkler	X		
Board Member Barbara Somson	X		

D. District of Columbia Public Schools v. Washington Teacher’s Union, Local 6, American Federation of Teachers AFL-CIO
 PERB Case No. 20-U-29

Motion: It was moved and seconded that the Board dismiss the District of Columbia Public School’s Unfair Labor Practice Complaint.

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

E. Keisha Jones v. National Association of Government Employees
 PERB Case No. 20-U-09(MFR)

Motion: It was moved and seconded that the Board deny the Motion for Reconsideration.

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

Old Business: None

The meeting was adjourned at 12:30 p.m.

The next Board Meeting will be held on August 19, 2021