



MINUTES

The regular monthly meeting of PERB was held on Thursday, March 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, Supervisory Attorney Advisor Erica Balkum, Attorney Advisor Royale Simms, Attorney Advisor Elizabeth Slover, Administrative Officer Antwanette Murphy, and Senior Staff Assistant Gertie Elam.

The minutes for the February 18, 2021 meeting were adopted.

The Executive Director reported that as of the end of the month of February there were 35 open cases, and 35 cases were closed. She reported that Second Tuesdays was held on March 9, 2021, on the topic, "Duty to Supply Information". In addition, she stated that, following the Performance Hearing last month, PERB received additional questions from the Committee for Labor and Work Development and the staff worked diligently to provide the information requested. The information was submitted to the Board as well. Finally, the Budget Hearing has been postponed to May 17, 2021.

DOCKET:

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

A. Johnny Jones v. District of Columbia Metropolitan Police Department
PERB Case No. 21-A-03

Summary: The pro se filer seeks review of an arbitration award, upholding the filer's termination. The filer requests the Board's review on the grounds that the arbitration award is contrary to law and public policy. MPD opposes the request.

B. District of Columbia Department of Public Health v. American Federation of Government Employees, Local 2725
PERB Case No. 21-A-07

Summary: DOH seeks review of an arbitration award resolving a grievance filed by AFGE on behalf of an employee concerning the employee's pay and duties. DOH requests review on the grounds that the Arbitrator exceeded his jurisdiction and that the award is contrary to law and public policy. AFGE opposes DOH's request. AFGE has also raised timeliness as a preliminary issue in this case.

C. AFGE LOCALS 383, 1000, 1403, 1975, 2725, 2741, 2978, and 3721 v. OAG, MPD GARAGE, DBH, RHC, DCRA, DDS, DOEE, DOES, OSSE, DFS, DGS, DOH, DHCD, DPR, DYRS, FEMS
 PERB Case No. 21-N-02

Summary: AFGE appeals the District Agencies’ declarations of non-negotiability of eight proposals. AFGE submitted the proposals during impact and effects bargaining over regulatory changes to the District’s employee drug testing program.

D. Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department Labor Committee
 PERB Case No. 21-A-04

Summary: MPD seeks review of an arbitration award that overturned its decision to discipline and terminate a police officer. MPD requests review on the grounds that the arbitrator exceeded his jurisdiction and that the award is contrary to law and public policy. FOP opposes the request.

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. Johnny Jones v. District of Columbia Metropolitan Police Department
 PERB Case No. 21-A-03

Motion: It was moved and seconded that the Board deny MPD’s arbitration review request.

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. District of Columbia Department of Public Health v. American Federation of Government Employees, Local 2725
 PERB Case No. 21-A-07

Motion: It was moved and seconded that the Board deny MPD’s arbitration review request.

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		

E. AFGE LOCALS 383, 1000, 1403, 1975, 2725, 2741, 2978, and 3721 v. OAG, MPD GARAGE, DBH, RHC, DCRA, DDS, DOEE, DOES, OSSE, DFS, DGS, DOH, DHCD, DPR, DYRS, FEMS
 PERB Case No. 21-N-02

Motion: It was moved and seconded that the Board find:

1. AFGE’s proposal # 2-Section 409. 3 non-negotiable.
2. AFGE’s proposal # 3-426.6(c) and 426.6(d) non-negotiable
3. AFGE’s proposal # 4-429.2 non-negotiable
4. AFGE’s proposal # 5-429.2 non-negotiable
5. AFGE’s proposal # 6-429.2 non-negotiable
6. AFGE’s proposal # 7-429.5 non-negotiable.
7. AFGE’s proposal #8-432.3 negotiable.
8. AFGE’s proposal #12-Medical Marijuana negotiable

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		

**C. Metropolitan Police Department v. Fraternal Order of Police Department
Labor Committee**
PERB Case No. 21-A-04

Motion: It was moved and seconded that the Board deny MPD's arbitration request.

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		

Old Business: There was none.

The meeting was adjourned at 12:15 p.m.

It was moved and seconded to move into an Executive Session.