



## MEETING MINUTES

PERB held its regular monthly meeting on Thursday, March 16, 2023, at 11:00 a.m. via Webex Meeting Conference. Board Chairperson Douglas Warshof, presiding; Board Member Renee Bowser, Board Member Mary Anne Gibbons, and Board Member Peter Winkler 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 February 21, 2023, meeting minutes.

The Executive Director reported the following:

1. On Thursday, February 23, 2023, PERB met with architects to review the test fit for PERB's new location. PERB will move into a new its new location located at 899 North Capitol Street, NW, in quarter three of FY24.
2. Second Tuesdays at PERB was held on March 14, 2023, and featured the video: "Representation Election Procedures."
3. During the month of February, three cases were closed, and 1 mediation was held.

### DOCKET:

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

**A. American Federation of Government Employees, Locals 631 and 872, and National Association of Government Employees, Local R3-06 v. District of Columbia Water and Sewer Authority**

PERB Case No. 22-U-18 (Oral Argument Open to the Public)

Summary: This matter involves a dispute over the implementation of a new payroll system for bargaining unit employees at WASA. A hearing occurred on November 14, 2022. The Hearing Examiner submitted his Report and Recommendations (Report) on January 25, 2023.

The Hearing Examiner determined that, while WASA was not required to bargain substantively over the decision to implement the new payroll system, WASA did have an obligation to bargain over the impact and effects of implementing the new system.

WASA requested today's oral argument to make a presentation that provides further support to the parties' exceptions and opposition to exceptions.

Anessa Abrams, Esq. presented arguments on behalf of WASA.

Barbara Hutchinson, Esq. presented arguments on behalf of the Unions.

**B. Shari Acosta v. AFGE, Local 2725**

PERB Case No. 20-U-20

Summary: Complainant Shari Acosta filed this unfair labor practices Complaint against AFGE. The Complainant alleges that AFGE breached its duty of fair representation by failing to intervene and challenge her removal from the Union after the Complainant was reassigned from her former union position at the Department of Housing and Community Development to a non-union position at the newly formed Rental Housing Commission. The Complainant filed exceptions, and AFGE filed an opposition to the Complainant's exceptions. The Hearing Examiner's Report and Recommendations is now before the Board.

**C. District of Columbia Metropolitan Police Department v. Fraternal Order of Police/ Metropolitan Police Department Labor Committee**

PERB Case No. 18-A-04(R)

Summary: This matter comes before the Board pursuant to the mandate and judgment of the Court of Appeals remanding the Board's decision in Slip Op. No. 1667. MPD filed an Arbitration Review Request, in that case, seeking a review of an arbitral award that reinstated a terminated police officer on the grounds that the Award was contrary to public policy. FOP filed an Opposition. The Board upheld the Award and denied MPD's Request.

On appeal, the Court of Appeals determined that the Board sufficiently addressed one of MPD's three arguments that the Award was contrary to law but failed to specifically address the other two. The Court directed the Board to address these arguments on remand. The Court further directed the Board to adequately explain its decision not to set aside the Award as against public policy. MPD's Request is now before the Board for a decision consistent with the Court of Appeals judgment.

**D. American Federation of Government Employees, AFL-CIO Local 631 and Department of Energy and Environment, Urban Sustainability Administration**

PERB Case No. 23-RC-01

Summary: AFGE, Local 631, filed a petition for exclusive recognition and a non-compensation unit determination, seeking to represent a new bargaining unit at the Department of Energy and Environment, Urban Sustainability Administration for the purpose of collective bargaining. The parties have submitted a Joint Stipulation for recognition of AFGE, Local 631 as the exclusive bargaining representative for the proposed unit, and AFGE has provided evidence of more than fifty percent employee support. This matter 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. Shari Acosta v. AFGE, Local 2725**

PERB Case No. 20-U-20

**Motion:** It was moved and seconded that the Board dismiss the unfair labor practice Complaint.

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

**B. American Federation of Government Employees, AFL-CIO Local 631 and Department of Energy and Environment, Urban Sustainability Administration**

PERB Case No. 23-RC-01

**Motion:** It was moved and seconded that the Board grant the petition and certify the American Federation of Government Employees, Local 631, as the exclusive representative of the proposed unit for the purposes of collective bargaining over terms and conditions of employment.

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

**C. District of Columbia Metropolitan Police Department v. Fraternal Order of Police/  
Metropolitan Police Department Labor Committee  
PERB Case No. 18-A-04(R)**

**Motion:** It was moved and seconded that the Board deny the arbitration review request.

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

**Old Business: None**

The meeting was adjourned at 1:11 p.m.

The next Board meeting will be held on Thursday, April 20, 2023.