



MINUTES

The regular monthly meeting of PERB was held on Thursday, May 20, 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, Program Analyst Dawan Jones, Administrative Officer Antwanette Murphy, and Senior Staff Assistant Gertie Elam.

The minutes for the April 15, 2021 meeting were adopted.

The Executive Director reported that, in the month of April, 1 case settled, 3 D&O's were issued, and a total of 4 cases closed. In addition, PERB received 2 Unfair Labor Practice cases, 1 Negotiability Appeal and, 2 Enforcement Petitions for a total of 5 new open cases, bringing the total cases at the end of April to 30.

In addition, for the month of May, there was 1 case filed, bringing the total cases to 31. There were 3 pre-hearings, 3 mediations 1 of which was a continuation and 2 continued hearings. There are 2 appeals yet to be served.

DOCKET:

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

A. National Association of Government Employees and District of Columbia National Guard
PERB Case No. 19-RC-02

Summary: Before the Board is a proposed certification of a new bargaining unit at the District of Columbia National Guard. A secret, mail ballot election was held, and a majority of the eligible votes cast were in favor of a nonprofessional bargaining unit. No objections to the election were received.

B. Edwin Hull, et al v. Fraternal Order of Police/Department of Corrections Labor Committee
PERB Case No. 20-S-02

Summary: This case is a Standards of Conduct Complaint filed by a group of pro se Complainants against the Union. The Complainants alleged a series of violations by the Union of its bylaws and D.C. Official Code § 1-617.03. A hearing was held, and the Hearing Examiner's Report and Recommendation dismissing the Complaint is before the Board. No Exceptions were filed.

C. Johnny Jones v. Metropolitan Police Department
PERB Case No. 21-A-03

Summary: The underlying matter in this case arises from a grievance arbitration award in which the Arbitrator upheld the Grievant's termination. The Grievant appealed the Arbitrator's award to the Board; however, the Board denied the Grievant's arbitration review request. The Grievant has now filed a Motion for Reconsideration, which is before the Board, requesting that the Board overturn its prior decision.

D. Fraternal Order of Police/Metropolitan Police Department Labor Committee v. Metropolitan Police Department
PERB Case No. 21-E-06

Summary: This case is an arbitration review request filed by the Metropolitan Police Department. MPD asserts that the Arbitrator exceeded her jurisdiction and that the Award is contrary to law and public policy when the Arbitrator reduced the Grievant's termination to a 90-day suspension.

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. National Association of Government Employees and District of Columbia National Guard
PERB Case No. 19-RC-02

Motion: It was moved and seconded that the Board certify NAGE as the exclusive representative for nonprofessional employees at the District of Columbia National Guard.

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. Edwin Hull, et al v. Fraternal Order of Police/Department of Corrections Labor Committee

PERB Case No. 20-S-02

Motion: It was moved and seconded that the Board adopt the Hearing Examiner's recommendation to dismiss the Standards of Conduct Complaint.

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. Johnny Jones v. Metropolitan Police Department

PERB Case No. 21-A-03

Motion: It was moved and seconded that the Board uphold the previous decision and deny the petitioners Motion for Reconsideration.

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		

D. Fraternal Order of Police/Metropolitan Police Department Labor Committee v. Metropolitan Police Department
 PERB Case No. 21-E-06

Motion: It was moved and seconded that the Board grant the Fraternal Order of Police/Metropolitan Police Department Labor Committee’s petition for enforcement.

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 11:45 p.m.

The next Board Meeting will be held on

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