



Public
Employee
Relations
Board



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February 29, 2016

MINUTES

The regular monthly meeting of PERB was held on February 18, 2016 at 11:06 a.m. at PERB headquarters. Chairman Charles Murphy, presiding, and Board members Yvonne Dixon, Ann Hoffman and Keith Washington being present.

Staff attendance: Executive Director Clarene Martin, Lindsey Maxwell, Erica Balkum, Colby Harmon, Benjamin Kraft, David McFadden and Yvonne Waller.

Public Attendees: Kevin Jenkins, Helen Hagle, Jonathan Shanks, Mustaaafa Dozier, Nicole Lynch, Anthony Conti, and Delroy Burton

The minutes from the January 21, 2016 meeting were approved as corrected.

Executive Director Martin reported the following:

- The meeting with Councilmember Orange to report on compliance with the CBSE is rescheduled to March 9, 2016.
- The agency's responses to questions for the Performance Oversight Committee hearing were prepared and forwarded to the Council. Our date to give testimony is March 3, 2016.
- FY 2017 Performance Plan was submitted.
- Second Tuesday was held February 10, 2016. There were two sessions.

There were no public comments.

Lindsey Maxwell summarized the four cases appearing on the case docket for Board consideration.

Board member Dixon moved that the meeting be closed to the public for deliberations in accordance with D.C. Official Code § 2-575(b) (13). The motion passed unanimously.

The meeting was closed for deliberations.

The meeting resumed at which time the Board voted on the following cases:

FOP/MPD Labor Committee v. MPD, PERB Case No. 09-U-37

It was moved and seconded that the Board find that it does not have jurisdiction over the information request, regarding the interview tapes because determining the right to the tapes would require interpretation of the CBA; that the Board adopt the findings and

recommendations of the Hearing Examiner with respect to the requests for documents related to the “good cause” removal of a union representative and the policies and standards for this removal by the IAD; and that the Board order: (1) MPD’s Motion for Reconsideration be granted in part and denied in part in accordance with the above findings; (2) FOP’s Complaint be dismissed with prejudice with respect to the allegations related to the interview tapes and (3) FOP’s Complaint be granted for the allegations regarding the information concerning good cause removal of union representatives and IAD’s policies and standards for making those determinations.

Member	In Favor	Opposed	Tabled
Yvonne Dixon	X		
Ann Hoffman	X		
Charles Murphy	X		
Keith Washington	X		

Gerald G. Neill Jr. v. FOP/MPD Labor Committee, PERB Case No. 10-S-04(RO)

It was moved and seconded that the Board reject the recommendation of staff and refer the case for a hearing on the issue of timeliness and, if appropriate, whether the union improperly failed to reimburse complainant for legal fees incurred in a civil law suit against him as an officer of the Union.

Member	In Favor	Opposed	Tabled
Yvonne Dixon	X		
Ann Hoffman	X		
Charles Murphy	X		
Keith Washington	X		

AFGE, Local 872 and D.C. WASA, PERB Case No. 15-A-09

It was moved and seconded that the Board find that the Arbitrator did not exceed his authority and that his decision was not contrary to law and public policy in finding that there were no procedural violations in how DC Water handled the Grievant’s termination and that DC Water met its burden of proving that the Grievant’s poor performance was the cause of his termination. Therefore, no statutory basis exists for setting aside the Award. The Arbitration Review Request is denied.

Member	In Favor	Opposed	Tabled
Yvonne Dixon	X		
Ann Hoffman	X		
Charles Murphy	X		
Keith Washington	X		

Kenneth W. Johnson v. D.C. Government and MPD, PERB Case No. 15-U-40

It was moved and seconded that the Board find that the Motion for Reconsideration failed to assert any legal grounds that would compel the Board to overturn the Executive Director’s decision dismissing the complaint for reasons of untimeliness and failure to state a violation under the CMPA. Therefore, the Motion for Reconsideration is denied.

Member	In Favor	Opposed	Tabled
Yvonne Dixon	X		
Ann Hoffman	X		
Charles Murphy	X		
Keith Washington	X		

The meeting was adjourned at 12:18 p.m.

Prepared by: Yvonne P. Waller, Administrative Officer