



## MINUTES

The regular monthly meeting of PERB was held on Thursday, December 17, 2020, at 12:00p.m. via Webex Meeting Conference. Board Chairperson Douglas Warshof, presiding; Board Member Ann Hoffman, Board Member Barbara Somson, Board Member Mary Anne Gibbons, and Board Member Peter Winkler were present.

Staff Attendance: Executive Director Clarene Martin, Attorney Advisor Royale Simms, Attorney Advisor Elizabeth Slover, Administrative Officer Antwanette Murphy, and Senior Staff Assistant Gertie Elam.

The minutes for the October 29, 2020 and November 10, 2020 meetings were adopted.

The Executive Director reported that to date there were 48 open cases including 7 cases that are pre-FY2020. Also, PERB has 21 cases in the Court of Appeals and Superior Court. PERB is conducting an audit of its case management system and will have a fuller report in January. The Second Tuesday's training session was conducted on December 8<sup>th</sup> with Mr. Higgins; the topic was PERB and the Pandemic. The Executive Director also reported that the three new staff members along with senior staff received additional training on Time Matters.

There was additional discussion on Administrative Dismissals by the Executive Director. The Board wanted to review Case Number 20-U-12 and made a decision to treat email from the complainant as a Motion for Reconsideration.

Board member Ann Hoffman announced that she is leaving the Board effective December 31, 2020.

### DOCKET:

The Executive Director summarized the following matters on the docket for Board consideration:

- A. **District of Columbia Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department Labor Committee**  
PERB Case No. 21-A-01

Summary: This matter involves an Metropolitan Police Department Detective who was terminated after allegedly exhibiting an inappropriate demeanor when questioning a robbery victim, failing to give *Miranda* warnings to a suspect in custody, allowing MPD members to search the suspect's residence without proper consent or warrant, failing to conduct a proper investigation of an Assault with a Deadly Weapon, and failing to timely present affidavits to the United States Attorney's Office and judges. The Arbitrator reviewed the case and concluded that the penalty of termination was not supported by fact or law, and lowered the discipline imposed

to a 50-day suspension. The issues before the Board are (1) whether the Arbitrator exceeded his authority and (2) whether the Award is contrary to law and public policy.

**B. Washington Teachers' Union, Local #6 v. District of Columbia Public Schools  
PERB Case No. 20-U-30 Motion for Reconsideration**

Summary: In this case, DCPS requests that the Board reconsider its decision in Opinion No. 1762, where the Board found that DCPS committed unfair labor practices by (1) refusing to bargain health and safety issues, (2) directly dealing with employees, and (3) bargaining in bad faith.

**C. District of Columbia Public Schools v. Washington Teachers' Union Local # 6  
PERB Case No. 21-U-03**

Summary: Here, DCPS alleges that WTU violated the CMPA and committed an unfair labor practice by calling a strike. The facts of the case are undisputed. WTU admits that it instructed its bargaining unit members on taking a mental health day on November 2, 2020 at 7 a.m.

It was moved and seconded to close the meeting to the public for deliberations in accordance with D.C. Official Code § 2-575(b)(13). The motion passed unanimously. Chairperson Warshof recused himself from the deliberations concerning PERB Case No. 20-U-30.

Following deliberations, the meeting was reopened to the public. The Board voted as follows:

**D. AFSCME, District Council 20, Local 1959 v. Office of State Superintendent of Education  
PERB Case No. 21-N-01**

Summary: In this case, AFSCME appeals OSSE's declaration of non-negotiability regarding six proposals submitted during the parties' current collective bargaining negotiations.

It was moved and seconded to enter into a closed meeting session. In accordance with D.C. Official Code § 2-575(b)(13). The motion passed unanimously. Chairperson Warshof recused himself from the deliberations concerning PERB Case No. 20-U-30 and 21-U-03.

Following deliberations, the closed meeting session was reopened. The Board voted as follows:

**A. District of Columbia Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department Labor Committee**  
 PERB Case No. 21-A-01

**Motion:** It was moved and seconded that the Board deny the Metropolitan Police Department’s 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 Ann Hoffman	X		
Board Member Barbara Somson	X		

**B. Washington Teachers’ Union, Local #6 v. District of Columbia Public Schools**  
 PERB Case No. 20-U-30 Motion for Reconsideration

**Motion:** It was moved and seconded that the Board deny DCPS’s Motion for Reconsideration.

<b>Name</b>	<b>In Favor</b>	<b>Opposed</b>	<b>Abstain</b>
Chairperson Douglas Warshof			X
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		
Board Member Ann Hoffman	X		
Board Member Barbara Somson	X		

**C. District of Columbia Public Schools v. Washington Teachers’ Union Local # 6**  
 PERB Case No. 21-U-03

**Motion:** It has been moved and seconded that the Board finds that WTU committed an unfair labor practice by condoning an illegal work stoppage.

Name	In Favor	Opposed	Abstain
Chairperson Douglas Warshof			X
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		
Board Member Ann Hoffman	X		
Board Member Barbara Somson	X		

**D. AFSCME, District Council 20, Local 1959 v. Office of State Superintendent of Education**  
 PERB Case No. 21-N-01

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

1. AFSCME’s proposal concerning Article V (Discipline and Adverse Action) nonnegotiable
2. AFSCME’s proposal concerning Article XI (Administrative Closing) nonnegotiable.
3. AFSCME’s proposal concerning Article XII (Workforce Changes) nonnegotiable.
4. AFSCME proposal concerning Article XVII (Compensation) nonnegotiable.
5. AFSCME’s proposal concerning Article XVII (Compensation: Attendance and On-time Arrival Bonus) nonnegotiable.
6. AFSCME’s proposal concerning Article XXII (Seniority) nonnegotiable

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		
Board Member Ann Hoffman	X		
Board Member Barbara Somson	X		

**Old Business:**

The Board agreed the next Board meeting would be on Thursday, January 21, 2021

The meeting was adjourned at 2:15 p.m.

