



April 26, 2016

MINUTES

The regular monthly meeting of PERB was held on April 21, 2016 at 11:15 a.m. at PERB headquarters. Chairman Charles Murphy, presiding, and Board members Yvonne Dixon, Ann Hoffman, Barbara Somson and Douglas Warshof being present.

Staff attendance: Executive Director Clarene Martin, Lindsey Maxwell, Colby Harmon, Benjamin Kraft, David McFadden and Sheryl Harrington.

Public Attendees: Lionel Sims, OLRCB, Dean Aqui, OLRCB, Kathryn Naylor, OLRCB, Kevin Stokes, OLRCB and Barbara Hutchinson, AFGE Local 631

Minutes from the March 17, 2016 meeting were approved.

Executive Director Martin reported the following:

- Pat Waller has been appointed as an EEO Counselor and is currently in training.
- At the Second Tuesdays at PERB workshop held April 12, 2016 we had 30 participants for the morning session and 21 participants for the afternoon session.

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

Board member Hoffman 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:

American Federation of Government Employees, Local 383 v. D.C. Department of Youth Rehabilitation Services, PERB Case No. 13-U-06

It was moved and seconded that the Board find that the Union failed to meet the burden of proof to show how the dress code exceeded the DCMR. However the finding does not mean that all dress codes will not be subject to substantive bargaining, only that there are insufficient facts in this case to decide that this dress code was subject to bargaining; and note that future dress code cases will be evaluated based on the facts of each individual case.

Member	In Favor	Opposed	Tabled
Yvonne Dixon	X		
Ann Hoffman	X		
Charles Murphy	X		
Barbara Somson	X		
Douglas Warshof	X		

American Federation of Government Employees, Local 1000 v. D.C. Department of Employment Services, PERB Case No. 13-U-07

It was moved and seconded that the Board reject the Hearing Examiner’s conclusion that DOES’ implementation of the 2012 Dress Code without first engaging in substantive bargaining with AFGE Local 1000 violated D.C. Official Code §§ 1-617.04(a)(1) and (5). Further, the Board rejects the Hearing Examiner’s finding that DOES failed to meet its statutory duty to engage in good faith I&E bargaining with AFGE Local 1000 over the 2012 Dress Code. Accordingly, AFGE Local 1000’s Complaint is dismissed with prejudice.

Member	In Favor	Opposed	Tabled
Yvonne Dixon	X		
Ann Hoffman	X		
Charles Murphy	X		
Barbara Somson	X		
Douglas Warshof	X		

D.C. Department of General Services and American Federation of Government Employees, Locals 631, 274 and 3444, American Federation of State, County and Municipal Employees, Local 2091 and International Brotherhood of Teamsters, Locals 639 and 730, PERB Case No. 14-UM-02

It was moved and seconded that the Board finds that it does not have subject-matter jurisdiction over the Amended Petition. The merits of parties’ arguments concerning the Amended Petition are rendered moot by the Board’s lack of jurisdiction and have not been considered by the Board. Therefore, the Board dismisses the petition.

Member	In Favor	Opposed	Tabled
Yvonne Dixon	X		
Ann Hoffman	X		
Charles Murphy	X		
Barbara Somson	X		
Douglas Warshof	X		

D.C. Public Schools v. Council of School Officers, Local 4, AFSA, PERB Case No. 15-A-05

It was moved and seconded that the Board finds that no statutory basis exists for setting aside the Award. Therefore, the Board denies the arbitration review request.

Member	In Favor	Opposed	Tabled
Yvonne Dixon	X		
Ann Hoffman	X		
Charles Murphy	X		
Barbara Somson	X		
Douglas Warshof	X		

D.C. Public Schools v. American Federation of State, County and Municipal Employees, Local 2921, PERB Case No. 15-A-08

It was moved and seconded that the Board finds that because, neither party nor the arbitrator could have considered the impact of the holding in the above case, it makes no determination on whether the award in this case is contrary to law and public policy or if the arbitrator exceeded his jurisdiction. The Board therefore, remands this case to the arbitrator for a determination of his jurisdiction based on the case law.

Member	In Favor	Opposed	Tabled
Yvonne Dixon	X		
Ann Hoffman	X		
Charles Murphy	X		
Barbara Somson	X		
Douglas Warshof	X		

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

Prepared by: Yvonne P. Waller, Administrative Officer