



Public
Employee
Relations
Board



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August 31, 2015

MINUTES

The regular monthly meeting of PERB was held on August 20, 2015, 11:05 a.m. at PERB headquarters. Chairman Charles Murphy, presiding, and Board members Yvonne Dixon, Ann Hoffman and Keith Washington present.

Also in attendance were Executive Director Clarene Martin, Lindsey Maxwell, Erica Balkum, Colby Harmon, David McFadden and Yvonne Waller.

The minutes of the last meeting were approved.

I. Public Forum:

Gary Lieber, Steve Schwartz and Mike Silvestri introduced themselves.

II. Docket:

- A. 08-U-22: Fraternal Order of Police/Metropolitan Police Department Labor Committee v. District of Columbia Metropolitan Police Department: Unfair Labor Practice Complaint. Colby Harmon presented the case. The issue is whether MPD violated D.C. Official Code § 1-617.04(a)(1) and § 1-617.06(a)(2) when it refused the officers' requests to attend the internal union meetings during working hours. Staff recommendation: Dismiss complaint. The Board so moved. After discussion, the motion was adopted.
- B. 13-U-35: Fraternal Order of Police/ Metropolitan Police Department Labor Committee v. District of Columbia Board of Ethics and Government Accountability: Unfair Labor Practice Complaint. Lindsey Maxwell presented the case. A Motion for Reconsideration was filed requesting that the Board reconsider and clarify the decision issued by the Executive Director on June 10, 2015, dismissing with prejudice its unfair labor practice charge against the District of Columbia Board of Ethics and Government Accountability. Staff recommendation: To deny the Motion for Reconsideration and dismiss the complaint. The Board so moved. After discussion, the motion was adopted.
- C. 08-U-69, 09-U-01, 10-U-04, 10-U-05, 10-U-10, 10-U-28 and 10-U-29: Fraternal Order of Police/Metropolitan Police Department Labor Committee v. District of Columbia Metropolitan Police. Unfair Labor Practice Complaint. David McFadden presented the case. Staff recommendation: To adopt the Hearing Examiner's finding that MPD committed the unfair labor practices and also to adopt the remedies recommended by the Hearing Examiner. The Board so moved and the motion was adopted.

- D. 09-U-48(R): Fraternal Order of Police/Metropolitan Police Department Labor Committee v. District of Columbia Metropolitan Police Department: Unfair Labor Practice Complaint. Erica Balkum presented the case. The D.C. Superior Court granted the Fraternal Order of Police/Metropolitan Police Department Labor Committee's Petition for Agency Review of the Board's Decision and Order, Opinion No. 1224, and ordered that Opinion No. 1224 be vacated. Staff recommendation: To vacate its Decision and Order in Opinion No, 1224 and dismiss the complaint. The Board so moved and the motion was adopted.
- E. 15-N-01: Service Employees International Union, Local 500 and University of the District of Columbia: Negotiability Appeal. Erica Balkum presented the case. The Staff recommended: SEIU's Proposed Article 5, Sections A, B, C, D, G, H, I, L, M, O, P, Q, R, S, T, U, and V are nonnegotiable; Proposed Article 5 Section J is negotiable; Proposed Article 6, Sections A, B, C, D, E, F, G, H, I J, K, L, M, N, and O are nonnegotiable; SEIU's Proposed Article 7, Sections A, B, G, L, M, N, O, and P are nonnegotiable; Proposed Article 11, Section A and C are negotiable; Proposed Article 11, Section B is nonnegotiable; Proposed Article 13, Section A is negotiable; Proposed Article 13, Section B is nonnegotiable; and Proposed Article 16, Sections A, B, C, D, and E are nonnegotiable. The Board so moved. After discussion, the motion was adopted.
- F. 15-A-05: District of Columbia Public Schools v. Council of School Officers, Local 4: Arbitration Review Request. David McFadden presented the case. D. C. Public Schools terminated an employee during her second one-year term as a principal. D. C. Public Schools took the position that the termination was not arbitrable. The arbitrator issued an award finding that it was arbitrable. D. C. Public Schools requests review of that award by PERB. Staff recommendation: Find that there may be grounds to modify or set aside the arbitrator's award and so notify the parties, giving 15 days to brief the case as provided in Rule 538.2. The Board so moved. After discussion, the motion was adopted.

Executive Director's Report

The Executive Director, Clarene Martin reported on case management. She also announced that Sheryl Harrington is now the agency's notary public and the FOIA contact person.

At 12:01 p.m. Board recessed. Member Keith Washington had to leave meeting.

The Board resumed at 12:10 p.m. to discuss the proposed Board rules. After discussion, the proposed rules were adopted by Chairman Charles Murphy, Member Yvonne Dixon and Member Ann Hoffman. Member Keith Washington was absent.

The meeting was adjourned at 1:19 p.m.

Yvonne P. Waller, Administrative Officer