



Public
Employee
Relations
Board



1100 4th Street S.W.
Suite E630
Washington, D.C. 20024-4451
Business: (202) 727-1822
Fax: (202) 727-9116
Email: perb@dc.gov

June 14, 2016

MINUTES

The regular monthly meeting of PERB was held on June 14, 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, David McFadden and Yvonne Waller.

Minutes from the April 21, 2016 meeting were approved.

Executive Director Martin reported the following:

As of May 30, 2016

- Open cases-94
- Closed cases-82

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

A. Fraternal Order of Police/Metropolitan Police Department Labor Committee v. District of Columbia Metropolitan Police Department, PERB Case No. 11-U-20

MPD filed a motion for reconsideration of the Board's previous decision and order in this matter, Opinion No. 1563, in which the Board found that MPD committed an unfair labor practice by engaging in retaliation against the Union President.

B. Fraternal Order of Police/Metropolitan Police Department Labor Committee v. District of Columbia Metropolitan Police Department, PERB Case No.11-U-24

FOP filed an unfair labor practice complaint alleging that the District of Columbia Metropolitan Police Department, Chief of Police Cathy L. Lanier and Inspector Michael Eldridge violated the CMPA by failing to comply with FOP's request for relevant and necessary information needed to represent an officer before an MPD Adverse Action Panel Hearing.

C. Renee Jackson v. Teamsters Local 639, PERB Case No.14-S-02

Renee Jackson, appearing pro se, filed a motion for reconsideration of the Board's previous decision and order in this matter, Opinion No 15-72, in which the Board dismissed her Standards of Conduct Complaint, alleging that her union, Teamsters Local 639 violated the CMPA by failing to ensure that she was provided monetary payments from a settlement agreement between the Teamsters and the District of Columbia Public Schools.

D. District of Columbia Public Schools v. Council of School Officers, Local 4, American Federation of School Administrators, AFL-CIO, PERB Case No.15-A-05

Petitioner DCPS filed a motion for reconsideration of Opinion 1574 wherein the Board declined to review an arbitrator's award finding arbitrable a grievance regarding the termination of a principal.

E. District of Columbia Department of General Services v. Fraternal Order of Police Protective Services Police Department Labor Committee, PERB Case No.15-A-11

Petitioner D.C. Department of General Services filed an Arbitration Review Request of an Arbitration Award that upheld a grievance filed by Fraternal Order of Police/Protective Services Police Labor Committee claiming that DGS failed to properly train its members that are Special Police Officers.

F. Not-for-Profit Hospital Corporation v. 1199 SEIU Hospital Employees East, PERB Case No.15-U-10

The Not-for-Profit Hospital Corporation filed an unfair labor practice complaint alleging that SEIU Local 1199 violated D.C. Official Code § 1-617.04(b)(1) and § 1-617.17(h) when, on two occasions, it published and distributed flyers containing the details of compensation-related proposals made during the parties' negotiations for a successor collective bargaining agreement.

G. National Association of Government Employees and District of Columbia Department of Forensic Sciences, PERB Case No. 16-AC-01

National Association of Government Employees filed a petition to amend Certification No. 161 to clarify that NAGE, and not NAGE Local R3-05, is the union representing the bargaining unit described in the Certification.

H. International Federation of Professional & Technical Engineers and District of Columbia Office of Administrative Hearings, PERB Case No. 16-CU-03

IFPTE and OAH filed a Joint Petition for Compensation Unit Determination requesting that PERB determine a new compensation unit for the Administrative Law Judges' bargaining unit represented by the union.

I. Candi Petersen v. Washington Teachers Union, Local 6, AFL-CIO, PERB Case No. 16-S-04

Candi Peterson filed a Motion for Preliminary Relief in PERB Case No. 16-S-04 requesting PERB to "appoint a monitor, who shall oversee and supervise the WTU Elections Committee in performing its duties of ensuring that the WTU membership list is accurate and consists of eligible voter, only, and conducting a fair and timely election of WTU officers."

Board Chair Murphy 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:

Fraternal Order of Police/Metropolitan Police Department Labor Committee v. District of Columbia Metropolitan Police Department, PERB Case No. 11-U-20

It was moved and seconded that the Board find that MPD’s motion for reconsideration has not pointed to any substantial evidence that disproves the Board’s findings, nor has it provided any authority that compels reversal of our initial decision. Therefore, the motion for reconsideration is denied.

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

Fraternal Order of Police/Metropolitan Police Department Labor Committee v. District of Columbia Metropolitan Police Department, PERB Case No. 11-U-24

It was moved and seconded that the Board find that MPD violated D.C. Official Code §§ 1-617.04 (a)(1) and (5) of the Comprehensive Merit Personnel Act. The unfair labor practice complaint is upheld. However, the Complaint against Chief Cathy Lanier and Inspector Michael Eldridge is dismissed.

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

Renee Jackson v. Teamsters Local 639 a/w International Brotherhood of Teamsters, PERB Case No. 14-S-02

It was moved and seconded that the Board find that the Motion for Reconsideration fails to assert any legal grounds that compel the Board to overturn its earlier decision and is nothing more than a mere disagreement with the Board’s decision in Opinion No. 1572. The motion for reconsideration is denied.

Member	In Favor	Opposed	Tabled
Yvonne Dixon	X		
Ann Hoffman	X		
Charles Murphy	X		
Barbara Somson	X		
DouglasWarshof	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 find that the issues raised in the motion for reconsideration filed by Petitioner District of Columbia Public Schools were previously raised by Petitioner in its pleadings and considered and rejected by the Board in both Opinion No. 1540 and Opinion No. 1574 it issued in this case. Therefore, the motion for reconsideration is denied.

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

District of Columbia Department of General Services v. Fraternal Order of Police Protective Services Police Department Labor Committee, PERB Case No. 15-A-11

It was moved and seconded that the Board find that the Arbitrator’s conclusion is based on a thorough analysis and cannot be said to be clearly erroneous or contrary to law and public policy. Therefore, the arbitration review request is denied.

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

Not-for-Profit Hospital Corporation v. 1199 SEIU Hospital Employees East, PERB Case No. 15-U-10

It was moved and seconded that the Board find that the SEIU Local 1199’s November 22, 2014 flyer did not interfere with the Hospital’s rights guaranteed by §§ 1-617.17(h) and 1-617.04(b)(1) . The board held that complaint involving the September 24, 2014 flyer was not timely filed and the November 22, 2014 flyer was not a violation of 1-617.17(h) or 1-617.04(b)(2). Therefore, the complaint is dismissed with prejudice.

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

National Association of Government Employees and District of Columbia Department of Forensic Sciences, PERB Case No. 16-AC-01

It was moved and seconded that the Board grant the petition and amend the Certification.

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

International Federation of Professional & Technical Engineers and District of Columbia Office of Administrative Hearings, PERB Case No. 16-CU-03

It was moved and seconded that the Board grant the petition for the creation of a new compensation unit.

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

Candi Petersen v. Washington Teachers Union, Local 6, AFL-CIO, PERB Case No. 16-S-04
It was moved and seconded that the Board deny the Motion for Preliminary Relief.

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 12:32 p.m.

Prepared by: Yvonne P. Waller, Administrative Officer