



December 18, 2015

MINUTES

The regular monthly meeting of PERB was held on December 17, 2015, 11:04 a.m. at PERB headquarters. Chairman Charles Murphy, presiding, and Board members Yvonne Dixon and Ann Hoffman being present. Board Member Keith Washington was absent.

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

Public Attendees: Mike Silvestri, FOP/MPD Labor Committee and Nicole Lynch, MPD

The minutes of the last meeting were approved.

I. Public Forum: There were no public comments.

II. Docket:

A. 09-U-55: Fraternal Order of Police/Metropolitan Police Department Labor Committee v. District of Columbia Metropolitan Police Department Unfair Labor Practice Complaint. (McFadden).

A complaint was filed alleging that the Metropolitan Police Department modified and restricted leave for eight weekends in 2009 to implement an initiative called All Hands on Deck. Staff recommendation: To dismiss the complaint. The Board so moved. Member Hoffman stated that changes in the analysis were needed before issuance of the decision and order issued. After discussion, the motion was adopted.

B. 10-S-10(R): Christopher Collins v. American Federation of Government Employees, National Office and Local 1975 (Maxwell on behalf of Harmon)

The Superior Court remanded in part PERB's Decisions and Orders, Slip Op. Nos. 1289 and 1351. The Court ordered PERB to address the Respondent's subject matter jurisdiction arguments. Staff recommendation: The parts of Op. Nos. 1289 and 1351 that stated the Board could not consider the AFGE National Office's subject matter jurisdiction arguments because the AFGE National Office's responsive pleading was untimely is vacated and the AFGE National Office and AFGE Local 1975 must comply with the relief the Board ordered in Op. Nos. 1289 and 1351. The Board so moved. After discussion, the motion was adopted with amendments.

C. 11-U-20: Fraternal Order of Police/Metropolitan Police Department Labor Committee v. District of Columbia Metropolitan Police Department Unfair Labor Practice Complaint. (McFadden)

A complaint was filed alleging that the Metropolitan Police Department violated D.C. Official Code § 1-617.04(a) by retaliating against the union steward. Staff recommendation: MPD shall cease and desist from refusing to bargain in good faith by

failing to provide certain information and to timely provide other information requested by the Complainant in conjunction with the administration of the parties' collective bargaining agreement. The Board moved to reject the staff's recommendation. After discussion, the Board requested a redraft of the decision that conformed to Board members' opinions as discussed and that the case be brought back to the January meeting.

- D. 15-A-07: District of Columbia Public Schools and Council of School Officers, Local 4, American Federation of School Administrators: (Balkum) An Arbitration Review Request was filed by D.C. Public School requesting that the Board overturn an arbitration award on the grounds that the arbitrator exceeded his jurisdiction as arbitrator under the parties' collective bargaining agreement. Staff recommendation: Deny request. After discussion, the Board so moved and the motion was adopted with further analysis.

III. **Executive Director's Report**

The Executive Director Martin reported on

- Case management: To-date we have 106 cases that are opened. Eleven new cases have been filed since October 1, 2015. Only 3 were ULP cases. We have closed 44 cases since October 1.
- She is preparing the FY 2017 Agency Performance Plan draft and has submitted budget enhancements for the FY 2017 Budget meeting with the Office of the City Administrator.
- Standards of Conduct cases are defined by "S" and not "SC".

The meeting was adjourned at 12:06 a.m.

Yvonne P. Waller, Administrative Officer