



MINUTES

The regular monthly meeting of PERB was held on Thursday, October 21, 2021, at 11:00 a.m. via WebEx Meeting Conference. Board Chairperson Douglas Warshof, presiding; Board Member Mary Anne Gibbons, Board Member Peter Winkler, and Board Member Renee Bowser were present.

Staff Attendance: Executive Director Clarene Martin, Supervisory Attorney Advisor Erica Balkum, Attorney Advisor Royale Simms, Attorney Advisor Elizabeth Slover, Administrative Officer Antwanette Murphy, Program Analyst Dawan Jones, and Senior Staff Assistant Gertie Elam.

The minutes for the September 15, 2021 meeting were approved.

The Executive Director announced that Attorney Advisor Royale Simms will be leaving PERB to pursue a new endeavor. His last day will be Friday October 29, 2021.

The Executive Director reported that PERB opened a total of 58 cases during fiscal year 2021, 27 remain open, and 71 cases were closed. There were 18 mediations, of those 10 were settled. There were only 6 hearings due to budget cuts in the last quarter of the fiscal year, therefore additional hearings were not held as planned.

The Executive Director, responding to concerns expressed during Council hearings, also stated that the staff has drafted legislation which will allow parties to appeal a Board's decision directly to the Court of Appeals and bypass the Superior Court. The draft has been sent to outside counsel for comments.

**DOCKET:**

Supervisory Attorney Advisor Erica Balkum summarized the following matters on the docket for Board consideration:

**A. National Association of Government Employees and District of Columbia National Guard**

PERB Case No. 21-CU-03

Summary: NAGE's Petition for Compensation Unit Determination, requesting that the employees in the bargaining unit described in Certification No. 168 be placed in either Compensation Unit 1 or Compensation Unit 2. The Agency filed comments to the Petition, asserting that the career service employees in the bargaining unit should be

placed by the Board in Compensation Unit 1 and wage grade employees in Compensation Unit 2.

- B. **District of Columbia Department of Youth Rehabilitation Services and District of Columbia Department of Human Resources v. Fraternal Order of Police/District of Columbia Department of Youth Rehabilitation Services Labor Committee**  
PERB Case No. 21-A-09

Summary: The Agencies filed a timely arbitration review request, seeking review of an arbitration award on the grounds that the arbitrator exceeded his authority and that the Award violates law and public policy by awarding local environmental pay to DYRS employees. The Union opposes the Agencies' Request.

- C. **Fraternal Order of Police/Public Safety Division Labor Committee v. Department of General Services**  
PERB Case No. 21-A-10

Summary: The Union filed a timely arbitration review request seeking the Board's review of an arbitration award, which sustained the Grievant's termination. The Union asserts that the Arbitrator exceeded his jurisdiction and that the Award was contrary to law and public policy. The Agency opposes the Request.

- D. **Jeffrey Canady v. Washington Teachers' Union**  
PERB Case No. 21-S-01

Summary: *Pro se* Complainant seeks the Board's reconsideration of the Executive Director's administrative dismissal of his standards of conduct complaint. The Executive Director dismissed the Complaint as untimely filed. The Union opposes the Complainant's motion for reconsideration.

It was moved and seconded to close the meeting in accordance with D.C. Official Code § 2-575(b)(13). The motion passed unanimously.

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

- A. **National Association of Government Employees and District of Columbia National Guard**  
PERB Case No. 21-CU-03

**Motion:** It was moved and seconded that the Board grant the petition for compensation unit determination, placing the career service employees in the bargaining unit and compensation unit 1, and placing the wage grade employees in the bargaining unit and compensation unit 2.

<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 Renee Bowser	X		

**B. District of Columbia Department of Youth Rehabilitation Services and District of Columbia Department of Human Resources v. Fraternal Order of Police/District of Columbia Department of Youth Rehabilitation Services Labor Committee**  
 PERB Case No. 21-A-09

**Motion:** It was moved and seconded that the Board deny the agency’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 Renee Bowser	X		

**C. Fraternal Order of Police/Public Safety Division Labor Committee v. Department of General Services**

**Motion:** It was moved and seconded that the Board deny FOP's Arbitration Review Request.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		
Board Member Renee Bowser	X		

**D. Jeffrey Canady v. Washington Teachers' Union**  
PERB Case No. 21-S-01

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

Name	In Favor	Opposed	Table	Recuse
Chairperson Douglas Warshof	X			
Board Member Peter Winkler	X			
Board Member Mary Anne Gibbons	X			
Board Member Renee Bowser				X

**Old Business:**

The meeting was adjourned at 12:40 p.m.

The next Board Meeting will be held on November 18, 2021.