



DRAFT MINUTES

The regular monthly meeting of PERB was held on Thursday, September 15, 2022, at 11:00 a.m. via Webex Meeting Conference. Board Chairperson Douglas Warshof, presiding; Board Member Renee Bowser, Board Member Mary Anne Gibbons, and Board Member Peter Winkler were present.

Staff Attendance: Executive Director Clarene Martin, Supervisory Attorney Advisor Erica Balkum, Attorney Advisor Isaac Katz, Attorney Advisor Elizabeth Slover, Attorney Advisor, Ruth Solomon, Program Analyst, Dawan Jones, and Senior Staff Assistant Gertie Elam.

The minutes for the July 22, 2022, meeting were adopted.

The Executive Director reported that, PERB is now open and is back in the office, however the attorneys will be on a hybrid schedule with 3 days in the office and 2 days of telework. It has not been decided whether the remaining staff will be allowed to do so.

It was also reported that there were some staffing changes. PERB has a new Attorney Advisor, Ruth Solomon and Administrative Officer Antwanette Murphy has left the agency. There will be a reassignment of duties that will be divided between Gertie Elam and Dawan Jones. An Intern from Howard University, Richard Burnett has also joined the PERB staff.

She reported that Second Tuesdays was held on September 13, 2022, and was conducted by John Higgins on the topic, “An Overview of PERB Laws and Procedures”.

In addition, she stated that the PERB Staff participated in CPR Training and was certified by the American Red Cross. Per the suggestion of the DC Council Chair, the attorneys will be attending mediation training at the end of September.

It was also reported that there are several attorneys requesting to be added to the arbitrators list.

DOCKET:

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

A. District of Columbia Department of Public Works v. American Federation of Employees, Local 631

PERB Case No. 22-A-04

Summary: DPW seeks the Board's review of an arbitration award reversing the termination of an employee who tested positive for marijuana in a random drug test. DPW argues that the Arbitrator exceeded his jurisdiction and that the Award is contrary to law and public policy. AFGE filed an opposition. DPW's request is now before the Board.

B. American Federation of Government Employees, Local 631 and D.C. Office of State Superintendent of Education Division of Student Transportation
PERB Case No. 22-RC-01

Summary: AFGE seeks the Board's reconsideration of its order of an election to determine whether a majority of the employees in the proposed bargaining unit desire representation for bargaining by AFGE. AFGE argues that an election limited to acceptance or rejection of a single union who submitted a majority of showing of interest is contrary to law. AFGE's motion for reconsideration is now before the Board.

C. Fraternal Order of Police/Department of Corrections Labor Committee v. District of Columbia Department of Corrections
PERB Case No. 22-A-05

Summary: FOP seeks review of an arbitration award that denied a grievance FOP filed on behalf of a terminated DOC correctional officer. FOP requests that the Board overturn the arbitration award on the grounds that the arbitration award is contrary to law and public policy. DOC filed an opposition. FOP's request is before the Board.

D. Fraternal Order of Police/Department of Corrections Labor Committee v. District of Columbia Department of Corrections
PERB Case No. 22-A-06

Summary: FOP seeks review of an arbitration award that denied a grievance FOP filed on behalf of a terminated DOC correctional officer. FOP requests that the Board overturn the arbitration award on the grounds that the arbitration award is contrary to law and public policy. DOC filed an opposition. FOP's request is before the Board.

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 closed meeting session was reopened. The Board voted as follows:

A. District of Columbia Department of Public Works v. American Federation of Government Employees, Local 631

PERB Case No. 22-A-04

Motion: It was moved and seconded that the Board deny DPW’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		

B. American Federation of Government Employees, Local 631 and D.C. Office of State Superintendent of Education Division of Student Transportation

PERB Case No. 22-RC-01

Motion: It was moved and seconded that the Board deny AFGE’s Motion for Reconsideration and absent voluntary recognition by the agency an election will be held to determine whether a majority of eligible employees in the proposed unit desire to be represented by AFGE or no union.

Name	In Favor	Opposed	Abstain
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/Department of Corrections Labor Committee v. District of Columbia Department of Corrections

PERB Case No. 22-A-05

Motion: It was moved and seconded that the Board deny the Fraternal Order of Police Arbitration Review Request.

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

D. Fraternal Order of Police/Department of Corrections Labor Committee v. District of Columbia Department of Corrections
PERB Case No. 22-A-06

Motion: It was moved and seconded that the Board deny the Fraternal Order of Police 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		

Old Business: There was none.

The meeting was adjourned at 12:30 p.m.

The next Board Meeting will be held on Thursday, October 20, 2022.