



MINUTES

PERB held its regular monthly meeting on Thursday, October 19, 2023, at 11:00 a.m. via Webex Meeting Conference. Board Chairperson Douglas Warshof, presiding; Board Member Renee Bowser and Board Member Mary Anne Gibbons were present.

Staff Attendance: Executive Director Clarene Martin, Supervisory Attorney Advisor Royale Simms, Attorney Advisor Isaac Katz, Attorney Advisor Elizabeth Slover, Attorney Advisor Rita Solomon, Operations Manager Crystal Davis, Program Analyst Dawan Jones, and Senior Staff Assistant Gertie Elam.

The Board adopted the September 21, 2023, meeting minutes.

The Executive Director reported the following:

1. On Tuesday, October 17, 2023, PERB attended the “FY25 Budget Formulation Kickoff” hosted by the Office of Budget and Performance Management.
2. Second Tuesdays at PERB was held on October 9, 2023, and discussed the topic “An Overview of PERB Law and Procedures.”
3. During September, 2 cases were closed, 2 cases were opened, 2 mediations, and 1 hearing were held.
4. In FY23, 35 cases were opened, 42 cases were closed, 15 mediations and 11 hearings were held. PERB also hosted 11 Board Meetings and 8 Second Tuesdays Trainings.

**DOCKET:**

Supervisory Attorney Advisor Royale Simms summarized the following matters on the docket for Board consideration:

**A. Darlene Bryant, et al v. Fraternal Order of Police/Department of Corrections  
Labor Committee  
PERB Case No. 22-S-05**

Summary: The Complainants allege that FOP violated D.C. Official Code § 1-617.03(a)(1) and (5) by: (1) dispersing fraudulent reimbursements to certain Executive Committee members; (2) failing to remove those Executive Committee Members; (3) failing to act on a general membership vote to remove the Executive Committee Treasurer; and (4) failing to obtain complete, unbiased financial audits. FOP filed an Answer, asserting that the Executive Committee requested an audit shortly after taking office, that it forwarded the resultant audit report to the FOP Judiciary Committee, and that the FOP Chairman rejected the general membership vote to remove the Treasurer as out of compliance with FOP by-laws. This matter is now before the Board.

**B. District of Columbia Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department Labor Committee**  
**PERB Case No. 22-A-09(R)**

Summary: This matter comes before the Board pursuant to the D.C. Superior Court Order remanding the Board's decision in Opinion No. 1826. MPD filed an Arbitration Review Request in that case, seeking review of an arbitral award that reinstated a terminated police officer on the grounds that the Award was contrary to law and public policy. The Board upheld the Award and denied MPD's Request. MPD appealed the Board's decision.

While this case was pending appeal, the D.C. Council enacted the Comprehensive Policing and Justice Reform Amendment Act of 2022, which retroactively repealed the statute on which the Arbitrator based his decision. The Superior Court remanded the case back to the Board for consideration of the case in light of the Reform Act. MPD's Request is now before the Board.

**C. Fraternal Order of Police/Metropolitan Police Department Labor Committee v. District of Columbia Metropolitan Police Department**  
**PERB Case No. 22-U-14**

Summary: FOP alleges that MPD committed an unfair labor practice by refusing to bargain over a policy change concerning the dismissal of Notices of Infraction for speeding violations officers incur while driving unmarked vehicles on official police business. MPD denies that it changed the policy. This matter is now 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. Darlene Bryant, et al v. Fraternal Order of Police/Department of Corrections Labor Committee**  
**PERB Case No. 22-S-05**

**Motion:** It was moved and seconded that the Board finds that the Fraternal Order of Police/Department of Corrections Labor Committee violated the CMPA standards of conduct for labor organizations by failing to maintain fiscal integrity. It was also moved that PERB notify the Fraternal Order of Police/Department of Corrections Labor Committee that a hearing will be held approximately 30 days from the date of service of this decision and order to determine whether the labor committee has complied with the fiscal integrity standard of the conduct for labor organizations. If the board determines that such compliance is insufficient at that time, it will notify the labor committee that it may initiate a process of decertifying the labor committee as an exclusive bargaining representative pursuant to DC official code section 1-605.02 or take other appropriate action.

<b>Name</b>	<b>In Favor</b>	<b>Opposed</b>	<b>Table</b>
Chairperson Douglas Warshof	X		
Board Member Mary Anne Gibbons	X		
Board Member Renee Bowser	X		

**B. District of Columbia Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department Labor Committee**  
 PERB Case No. 22-A-09(R)

**Motion:** It was moved and seconded that the Board grant MPD’s arbitration review request, vacate its prior decision in Slip Op. No. 1826, and remand the case back to the Arbitrator for further proceedings consistent with the Comprehensive Policing and Justice Reform Amendment Act of 2022.

<b>Name</b>	<b>In Favor</b>	<b>Opposed</b>	<b>Table</b>
Chairperson Douglas Warshof	X		
Board Member Mary Anne Gibbons	X		
Board Member Renee Bowser	X		

**C. Fraternal Order of Police/Metropolitan Police Department Labor Committee v. District of Columbia Metropolitan Police Department**  
 PERB Case No. 22-U-14

**Motion:** It was moved and seconded that the Board dismiss the unfair practice complaint.

<b>Name</b>	<b>In Favor</b>	<b>Opposed</b>	<b>Table</b>
Chairperson Douglas Warshof	X		
Board Member Mary Anne Gibbons	X		
Board Member Renee Bowser	X		

**Old Business: None**

The meeting was adjourned at 12:05 p.m.

The next Board meeting will be held on Thursday, November 16, 2023.