



MEETING MINUTES

PERB held its regular monthly meeting on Thursday, April 20, 2023, 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 Royale Simms, Attorney Advisor Isaac Katz, Attorney Advisor Elizabeth Slover, Attorney Advisor Rita Solomon, Program Analyst Dawan Jones, Operations Manager Crystal Davis, Senior Staff Assistant Gertie Elam, and PERB-Intern Richard Burnett.

The Board adopted the March 16, 2023, meeting minutes.

The Executive Director reported the following:

1. Richard Burnett, PERB-Intern from Howard University, last day with the agency is Friday, April 21, 2023.
2. On Friday, March 31, 2023, the Executive Director and Board Chairman met with At-Large Councilmember Chairperson Anita Bonds to provide more information about the agency. PERB also completed its annual budget hearing with Chairperson Anita Bonds, Committee on Executive Administration and Labor on Tuesday, April 11, 2023.
3. During the month of March, five cases were closed, and one mediation was held.

DOCKET:

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

A. American Federation of Government Employees, Local 631, and D.C. Office of the State Superintendent of Education, Division of Student Transportation
PERB Case No. 23-CU-01

Summary: AFGE, Local 631, filed a Petition for Compensation Unit Determination seeking placement of a newly certified OSSE bargaining unit in Compensation Units 1 and 2. OSSE consents into Compensation Units 1 and 2. The Petition is now before the Board.

B. American Federation of Government Employees, Local 631 and Department of Energy and Environment, Urban Sustainability Administration
PERB Case No. 23-CU-02

Summary: AFGE, Local 631 filed a Petition for Compensation Unit Determination, seeking placement of a newly certified DOEE bargaining unit in Compensation Units 1 and 2. The parties have jointly stipulated to placement of the new unit in Compensation Units 1 and 2. The Petition 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. 23-U-03 (MFR)

Summary: DOC filed a Motion for Reconsideration of Slip Opinion No. 1829, in which the Board found that DOC committed an unfair labor practice under D.C. Official Code § 1-617.04(a)(1) and (5) of the CMPA by failing to bargain over a DOC policy amendment, in violation of the parties' CBA. DOC argues that Board rules 520.6 and 520.8 compel the Board to reverse its decision in Slip Opinion No. 1829 because there are factual disputes at issue, entitling DOC to a hearing. The Motion for Reconsideration is now before the Board.

D. American Federation of Government Employees, Locals 631 and 872, and National Association of Government Employees, Local R3-06 v. District of Columbia Water and Sewer Authority
PERB Case No. 23-U-04

Summary: AFGE, Local 631 and Local 872 and NAGE, Local R3-06 filed this unfair labor practice Complaint against WASA. The Complaint alleges that WASA (1) unilaterally implemented paid parental leave (PPL) as a new employee benefit without providing the Unions with notice and an opportunity to bargain the change in working conditions; (2) immediately availed PPL to non-bargaining unit employees, while refusing to extend PPL to bargaining unit employees until the parties bargain over the benefit; and (3) refused to bargain with the Unions over PPL because the Unions filed a class grievance, under their respective CBAs, regarding WASA's implementation of PPL benefits. The Unions argue that WASA's conduct is a failure to bargain in good faith; coercion; interference with the Unions' rights to represent employees; and discrimination against the Unions and their members. WASA filed an Answer denying violation of the CMPA, and further asserting affirmative defenses to the Complaint. The parties submitted supplemental briefs at PERB's request. The Unions' Complaint is now before the Board.

E. American Federation of Government Employees, Locals 631 and 872, and National Association of Government Employees, Local R 3-06 v. District of Columbia Water and Sewer Authority
PERB Case No. 22-U-18

Summary: AFGE, Local 631 and Local 872 and NAGE, Local R3-06 filed this unfair labor practice Complaint against WASA. The Complaint alleges that WASA (1) unilaterally implemented the Oracle payroll system without providing the Unions with an opportunity to bargain, as requested, the impacts and effects of the implementation of Oracle on bargaining units' employees' terms and conditions of employment; and (2) failed to respond to union requests for information relevant and necessary for bargaining over Oracle. The Unions argue that WASA's conduct is a failure to bargain in good faith; interference with, restraint or coercion of employees in the exercise of guaranteed rights; discrimination to discourage membership in any labor organization; or properly bargain around the authorization, costs and termination of dues deducted. WASA filed an Answer denying any violation of the CMPA, and further asserting affirmative defenses to the Complaint. WASA submitted exceptions to the Hearing Examiner's Report and Recommendations. The Unions submitted an opposition to WASA's

exceptions. The Board heard oral arguments by the parties at the March, 2023, Board meeting. The Unions' Complaint 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. American Federation of Government Employees, Local 631, and D.C. Office of the State Superintendent of Education, Division of Student Transportation
PERB Case No. 23-CU-01

Motion: It was moved and seconded that the Board grant the Petition for Compensation Unit Determination and place the bargaining unit at issue into Compensation Units 1 and 2.

| 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 Department of Energy and Environment, Urban Sustainability Administration
PERB Case No. 23-CU-02

Motion: It was moved and seconded that the Board grant the Petition for Compensation Unit Determination and place the bargaining unit at issue into Compensation Units 1 and 2.

| 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 | | |

C. Fraternal Order of Police/Department of Corrections Labor Committee v. District of Columbia Department of Corrections
 PERB Case No. 23-U-03 (MFR)

Motion: It was moved and seconded that the Board deny the Motion for Reconsideration.

| 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. American Federation of Government Employees, Locals 631 and 872, and National Association of Government Employees, Local R3-06 v. District of Columbia Water and Sewer Authority
 PERB Case No. 23-U-04

Motion: It was moved and seconded that the Board find that WASA committed an unfair labor practice in part, and to dismiss the Complaint without prejudice in part.

| 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 | | |

E. American Federation of Government Employees, Locals 631 and 872, and National Association of Government Employees, Local R 3-06 v. District of Columbia Water and Sewer Authority
PERB Case No. 22-U-18

Motion: It was moved and seconded that the Board adopt the Hearing Examiner’s findings, conclusions and recommendations and find that WASA: (1) committed an unfair labor practice in refusing the Unions’ request to bargain over the impact and effects of the implementation of the Oracle payroll system; and (2) did not commit an unfair labor practice in refusing to provide a demonstration of the process for supervisors using the Oracle payroll system.

| 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: None

The meeting was adjourned at 12:14 p.m.

The next Board meeting will be held on Thursday, May 18, 2023.