



MINUTES

PERB held its regular monthly meeting on Thursday, March 20, 2024, 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: Acting Executive Director Royale Simms, Attorney Advisor Elizabeth Slover, Attorney Advisor Rita Solomon, Administrative Officer Crystal Davis, Program Analyst Dawan Jones, and Senior Staff Assistant Gertie Elam.

The Board adopted the February 22, 2024, meeting minutes.

The Executive Director reported the following:

1. Case Management Report – 4 cases closed, 7 opened for a total of 34 cases currently open. 1 Mediation was held.
2. The second Tuesdays at PERB was held on March 19, 2024, and the topic: “Duty to Supply Information” facilitated by Mr. John Higgins.

Oral Arguments – PERB Case No. 22-S-05 – Tasheanna Harris et, al.v. Fraternal Order of Police/Department of Corrections Labor Committee. Presentations by Tasheanna Harris on behalf of Complainants, Cherno Mballow on behalf of Local Chair, Joseph Alexander on behalf Respondents. Each Presenter had 15 minutes to present their arguments. Other interested persons were each given 2 minutes to make statements.

DOCKET:

Acting Executive Director Royale Simms summarized the following matters on the docket for Board consideration:

- A. American Federation of State, County and Municipal Employees, Local 2743 v. District of Columbia Department of Insurance, Securities, and Banking**
PERB Case No. 23-U-06

Summary: AFSCME filed an unfair labor practice complaint against DISB. The Complaint alleges that DISB retaliated against an employee—the Vice President of AFSCME, Local 2743—in retaliation for his protected union activity by refusing to recommend him for a performance allowance for FY22 or explain any decision not to recommend him. DISB filed an answer denying any violation of the CMPA, and further asserting affirmative defenses to the complaint. DISB submitted exceptions to the Hearing Examiner’s report and recommendations. AFSCME submitted an opposition to DISB’s exceptions.

B. District of Columbia Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department of Labor Committee

PERB Case No. 24-A-01

Summary: MPD filed an arbitration review request seeking review of an arbitration award that ordered MPD to reinstate a terminated MPD officer with a make-whole remedy and reinstatement to the officer's previous placement in the Narcotics and Special Investigation Division. MPD requests review on the grounds that the Award is contrary to law and public policy. FOP opposes MPD's request.

C. District of Columbia Office of the Attorney General v. American Federation of State, County and Municipal Employees, District Council 20, Local 2401

PERB Case No. 24-A-03

Summary: OAG filed an arbitration review request, seeking review of an arbitration award which ordered OAG to reinstate a terminated Information Technology Specialist with backpay. OAG requests that the Board reverse the Award on the grounds that it is contrary to law and public policy. In the alternative, OAG requests that the Board remand this matter to the Arbitrator for clarification. AFSCME opposes OAG's Request.

D. SIEU United Healthcare Workers East, Local 1199 v. District of Columbia Department of Behavioral Health

PERB Case No. 24-N-02

Summary: SEIU filed a negotiability appeal concerning a proposal that sought to require DBH to engage in impact and effects bargaining upon the enactment of legislation that affects the licensure of social workers. DBH declared SEIU's proposal nonnegotiable, asserting that it unreasonably interfered with the exercise of a management right. SEIU filed the present Appeal, requesting that the Board find the proposal negotiable.

E. American Federation of Government Employees, Local 631 v. District of Columbia Water and Sewer Authority

PERB Case No. 24-U-09

Summary: AFGE, Local 631 filed an unfair labor practice Complaint against WASA. AFGE, Local 631 alleges that WASA (i) illegally withdrew from bargaining with the Union after the declaration of impasse, (ii) denied the Union its right, as exclusive representative, to bargain for employees, and (iii) illegally refused to provide paid parental leave (PPL) benefits to employees represented by the Union, in violation of D.C. Official Code § 1-617.04(a)(1), (3), and (5).

F. American Federation of Government Employees, Local 631 v. District of Columbia Water and Sewer Authority

PERB Case No. 24-I-02(MFR)

Summary: AFGE, Local 631 filed this motion for reconsideration of the Executive Director's administrative dismissal of its Request for Impasse in this case.

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 State, County and Municipal Employees, Local 2743 v. District of Columbia Department of Insurance, Securities, and Banking

PERB Case No. 23-U-06

Motion: It was moved and seconded that the Board adopt the Hearing Examiner's findings, conclusions and recommendations and find that DISB committed an unfair labor practice by denying the Complainant a performance allowance in retaliation for the Complainant's protected union activity.

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

B. District of Columbia Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department of Labor Committee

PERB Case No. 24-A-01

Motion: It was moved and seconded that the Board deny the Arbitration Review Request.

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

C. District of Columbia Office of the Attorney General v. American Federation of State, County and Municipal Employees, District Council 20, Local 2401
 PERB Case No. 24-A-03

Motion: It was moved and seconded that the Board deny the Arbitration Review Request.

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

D. SIEU United Healthcare Workers East, Local 1199 v. District of Columbia Department of Behavioral Health
 PERB Case No. 24-N-02

Motion: It was moved and seconded that the Board deny the negotiability appeal.

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

**E. American Federation of Government Employees, Local 631 v. District of Columbia
Water and Sewer Authority**

PERB Case No. 24-U-09

Motion: It was moved and seconded that the Board find that WASA committed an unfair labor practice.

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

**F. American Federation of Government Employees, Local 631 v. District of Columbia
Water and Sewer Authority**

PERB Case No. 24-I-02(MFR)

Motion: It was moved and seconded that the Board grant the motion for reconsideration.

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

Old Business: None

The meeting was adjourned at 1:53 p.m.

The next meeting will be held on April 18, 2024