



MINUTES

PERB held its regular monthly meeting on Thursday, September 21, 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, Program Analyst Dawan Jones, and Senior Staff Assistant Gertie Elam.

The Board adopted the July 20, 2023, meeting minutes.

The Executive Director reported the following:

1. Crystal Davis and Gertie Elam will meet with architects to review the schematic design of PERB's new location. PERB will move into its new location at 899 North Capitol Street, NW, in quarter four of FY24.
2. During July and August, 2 cases were closed, 5 opened. There were two hearings in June, one in July and one in August. There was also one mediation in August.
3. There are 23 cases open, including one new case in June, four in July, and five in August. There was 1 new case that was remanded from the Court of Appeals.

DOCKET:

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

**A. 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.

**B. District of Columbia Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department Labor Committee**  
**PERB Case No. 18-A-05(R)**

Summary: This matter comes before the Board pursuant to the judgment of the Court of Appeals remanding the Board’s decision in Slip Op. No. 1678. MPD filed an Arbitration Review Request 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.

On appeal, the Court of Appeals held that the Comprehensive Policing and Justice Reform Amendment Act of 2022’s repeal of the 90-day rule, on which the Award was based, retroactively applied to the case. The Court instructed the Board on remand to vacate its decision, set aside the Arbitrator’s Award, and remand the Award back to the Arbitrator. MPD’s Request 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. 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 remand this matter to the Hearing Examiner for a more detailed explanation of his finding on whether the Union made a proper request for impacts and effects bargaining.

<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. 18-A-05(R)**

**Motion:** It was moved and seconded that the Board grant MPD’s arbitration review request to vacate its prior decision in Slip Op. No. 1678 and remand the case back to the Arbitrator for further proceedings consistent with the judgment of the Court of Appeals decision.

<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 11:34 a.m.

The next Board meeting will be held on Thursday, October 19, 2023.