

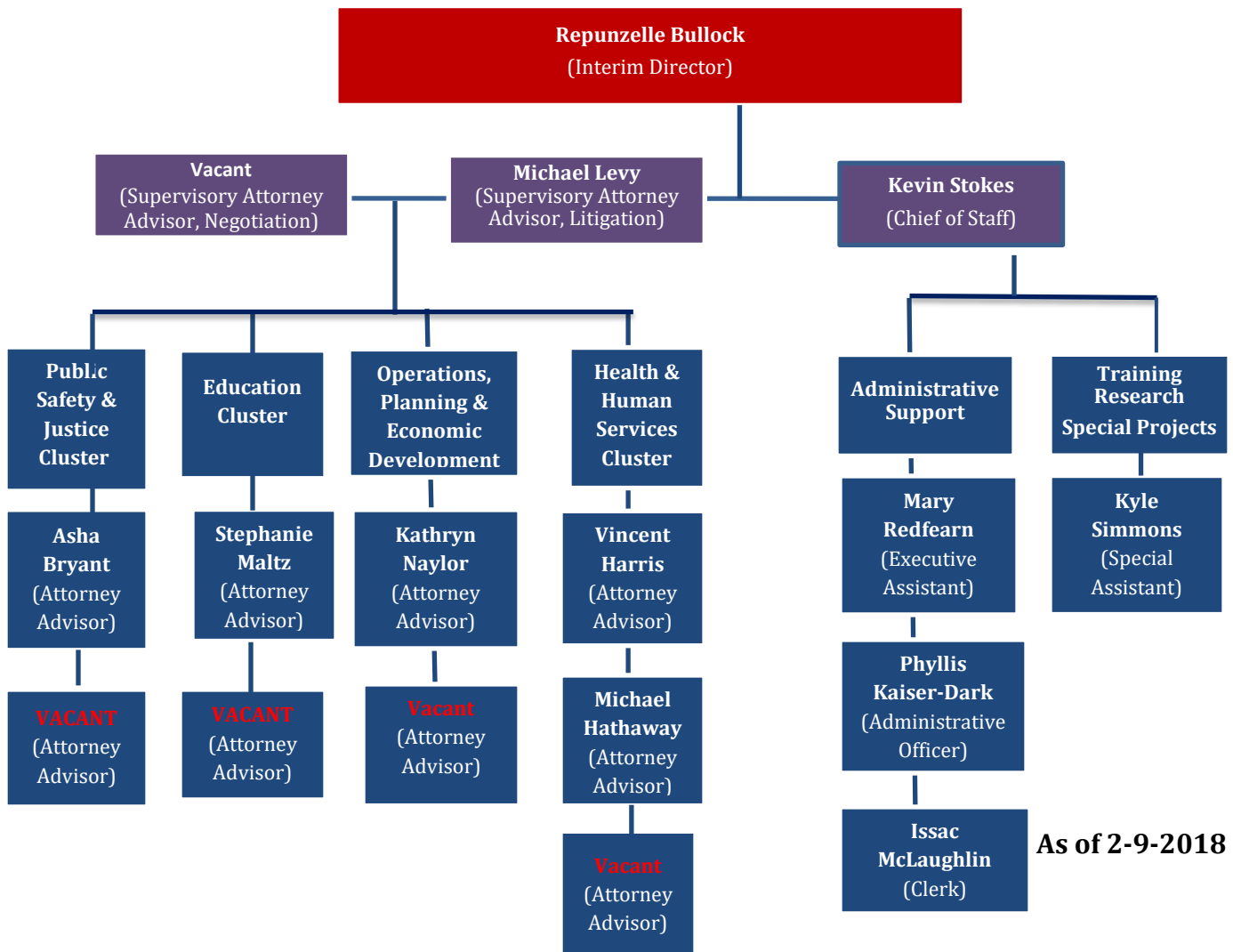
**Office of Labor Relations and Collective Bargaining
 FY17-18 Performance Oversight Questions
 Committee on Labor and Workforce Development
 Councilmember Elissa Silverman (At-Large), Chair**

I. Agency Organization

1. Please provide a current **organizational chart** for the agency, including the number of vacant, frozen, and filled positions in each division or subdivision.
 - a. Include the names and titles of all senior personnel,
 - b. Please provide an explanation of the roles and responsibilities of each division and subdivision.
 - c. Please provide a narrative explanation of any changes to the organizational chart made during FY17 or FY18, to date.
 - d. Note on the chart the date that the information was collected.

Response:

Office of Labor Relations & Collective Bargaining (OLRCB)



As of 2-9-2018

RESPONSE:

a. Repunzelle Bullock – Interim Director; Michael Levy – Supervisory Attorney Advisor; Kathryn Naylor – Acting Supervisory Attorney Advisor; Kevin Stokes – Chief of Staff.

b. OLRCB is divided into the following three sub-divisions:

- i. **Negotiations and Contract Administration:** The Negotiations and Contract Administration Unit is responsible for negotiating collective bargaining agreements, the process by which wages, benefits, and other terms and conditions of employment for unionized employees are established; training management representatives on the provisions of each collective bargaining agreement applicable to their agency; and conducting “impact and effects” bargaining necessitated by new policies, programs, and initiatives, or changes to existing policies and programs prior to decision making and implementation.
- ii. **Litigation:** The Litigation Unit is focused on initiating, prosecuting, defending, and monitoring a wide range of litigation activity, for and on behalf of agencies under the personnel authority of the Mayor. This litigation consists primarily of grievance arbitrations; unfair labor practice complaints, enforcement actions, and arbitration review requests before the Public Employee Relations Board (PERB); and Motions to Stay or Compel Arbitration or appeals from PERB Decisions and Orders in D.C. Superior Court. This unit also supports litigation by the Office of the Attorney General (OAG) in a limited number of civil and appellate matters in D.C. Superior Court and before the D.C. Court of Appeals.
- iii. **Administrative Support:** The Administrative Unit is responsible for conducting research and analysis necessary to support management’s position during negotiations, whether for compensation, terms and conditions of employment, or during impact and effects bargaining. This unit also provides support in training agencies regarding the labor relations program and the statutory and contractual obligations which emanate from D.C. law and collective bargaining agreements. This unit also manages the Negotiated Employee Assistance Home Purchase Program (NEAHP) and supports the Commuter Benefit Program. It is also responsible for program support to the Negotiations and Litigation Units, and this unit provides human resources, contracting and procurement, and other related customer and operational services for OLRCB.

iv.

c. In FY 17, OLRCB promoted Repunzelle Bullock to Supervisory Attorney Advisor. In FY 18, Repunzelle Bullock was named OLRCB Interim Director.

d. Please see Organizational Chart.

2. Please attach in Excel a current **Schedule A** for the agency, as of February 1, 2018, with the following information for each position:

a. Employee’s name, if the position is filled;

- b. Program and activity name and code as appears in the budget;
- c. Office name, if different from activity code;
- d. Title/position name;
- e. Position number;
- f. Grade, series, and step;
- g. Salary and fringe benefits (please separate salary and fringe and include the FY17 fringe benefit rate);
- h. Job status (e.g. continuing/term/temporary);
- i. Type of appointment (e.g. career, MSS);
- j. Full-time, part-time, or WAE;
- k. Seasonal or year-round;
- l. Start date in the position (i.e., effective date);
- m. Start date with the agency;
- n. Previous office (program) and position (job title) with the agency, if relevant
- o. Position status (A-active, R-frozen, P-proposed, etc);
- p. Date of vacancy or freeze, if relevant; and
- q. Whether the position must be filled to comply with federal or local law (and if so, please specify what federal or local law applies).

Response: Please see “Question 2” Attachment.

- 3. For any **term or temp position** included in the schedule A and filled in FY17 or FY18, please provide a brief narrative for why the hire was done on a term or temporary basis and not on a continuing basis.

Response: OLRCB did not hire any person on a term or temporary basis in FY 17 or FY 18.

- 4. Please provide the following information on any **contract workers** in your agency:
 - a. Position name
 - b. Organizational unit assigned to
 - c. Hourly rate
 - d. Type of work duties

Response: OLRCB did not employ any contract workers.

- 5. Please complete the following chart about the **residency of new hires** in FY17 or FY18, to date:

Number of Employees Hired in FY 2017 and FY 2018 to date

<i>Position Type</i>	<i>Total Number</i>	<i>Number who are District Residents</i>
Continuing	0	0
Term	0	0
Temporary	0	0
WAE	0	0

6. Please list all **employees detailed** to or from your agency. For each employee identified, please provide the name of the agency the employee is detailed to or from, the reason for the detail, the date of the detail, and the employee’s projected date of return.

Response: No employees are or were detailed to or from OLRCB in FY 17 or FY 18.

7. Please provide the Committee with a list of **travel** expenses, arranged by employee for FY17 and FY18, to date, including the dates of travel, amount of expenses, and reason for travel. Please specify whether employees may be reimbursed for out-of-pocket travel expenses; and, if so, please describe agency protocol and requirements for employees to apply for and receive reimbursements for such travel expenses, such as necessary documentation, timeframes, and other requirements.

Response: No OLRCB employees incurred travel expenses.

8. Please provide the Committee with a list of the total **workers’ compensation** payments paid in FY17 and FY18, to date, including the number of employees who received workers’ compensation payments, in what amounts, and for what reasons.

Response: OLRCB did not make any workers’ compensation payments in FY 17 or FY 18.

9. For FY17 and FY18, to date, please list each **employee separated** from the agency, other than due to retirement. Also include:
- Amount of separation pay, if relevant;
 - Number of weeks of pay, if relevant; and
 - The reason for the separation.

Response:

FY 17					
	Title	Name	Amount of Separation	Number of weeks of pay	Reason for Separation
1	Program Analyst		\$0		Transfer

FY 18					
	Title	Name	Amount of Separation	Number of weeks of pay	Reason for Separation
1	DIRECTOR, OLRCB		\$ 12,931.25		Voluntary Resignation
2	ATTORNEY ADVISOR		\$0		Voluntary Resignation

10. Please provide the Committee with a list of employees who received **bonuses or special award pay** granted in FY 2017 and FY 2018, to date, and identify:
- The employee receiving the bonus or special pay,
 - The amount received, and
 - The reason for the bonus or special pay.

Response: No OLRCB employee received a bonus or was granted special award pay in FY 17 or FY 18.

11. Please provide the name of each employee who was or is on **administrative leave** (not to include medical leave) in FY 2017 and 2018, to date. In addition, for each employee identified, please provide:
- Their position;
 - A brief description of the reason they were placed on leave;
 - The dates they were/are on administrative leave;
 - Expected date of return;
 - Whether the leave was/is paid or unpaid; and
 - Their current status (as of February 1, 2018).

Response: No OLRCB employee was or is on administrative leave in FY 17 or FY 18.

12. Please provide a list of each **collective bargaining agreement** that is currently in effect for OLRCB employees.
- Please include the bargaining unit (name and local number), the duration of each agreement, and the number of employees covered.
 - Please provide, for each union, the union leader's name, title, and his or her contact information, including e-mail, phone, and address if available.
 - Please note if the agency is currently in bargaining and its anticipated completion date.

Response: There are no collective bargaining agreements in effect for OLRCB employees.

13. Please list in chronological order, any **grievances filed by labor unions** against OLRCB or OLRCB management in FY16, FY17, or FY18, to date, broken down by source.
- For each grievance, give a brief description of the matter as well as the current status.
 - Include on the chronological list any earlier grievance that is still pending in any forum.
 - Please describe the process utilized to respond to any complaints or grievances received and any changes to agency policies or procedures that have resulted from complaints or grievances received.
 - For any complaints or grievances that were resolved in FY17 or FY18, to date, describe the resolution or outcome.

Response: There were no grievances filed by labor unions against OLRCB or OLRCB management in FY 16, FY 17, or FY 18.

14. Please list in chronological order, any **additional OLRCB employee grievances or complaints** that OLRCB received in FY17 and FY18, to date, broken down by source.
- a. For each, give a brief description of the matter as well as the current status.
 - b. Include on the chronological list any earlier grievance that is still pending in any forum.
 - c. Please describe the process utilized to respond to any complaints or grievances received and any changes to agency policies or procedures that have resulted from complaints or grievances received.
 - d. For any complaints or grievances that were resolved in FY17 or FY18, to date, describe the resolution or outcome.

Response: OLRCB did not receive any OLRCB employee grievance or complaints in FY 17 or FY 18.

15. Please describe the agency's procedures for investigating allegations of **sexual harassment** or misconduct committed by or against its employees. List and describe any allegations received by the agency in FY17 and FY18, to date, and whether or not those allegations were resolved. Please describe the nature of such resolution.

Response: The agency's current sexual harassment policy follows Mayor's Order 2004-171. Managers and supervisors are required to report and document any complaints of harassment. The agency EEO officer is responsible for investigating allegations of sexual harassment, which may involve the Metropolitan Police Department as necessary. Pending final resolution of a sexual harassment complaint, OLRCB may at its own discretion, or upon the request of a complainant, initiate temporary administrative actions, such as moving personnel. If the EEO officer's investigation reveals that the complaint cannot be resolved internally within 60 days, the EEO officer provides the employee with an exit letter closing the investigation. If the EEO officer finds evidence to support the allegation(s), the EEO officer will notify the employee who allegedly engaged in the conduct of its inappropriateness, and instruct the employee to cease the conduct. Other disciplinary action may follow. The agency's policy will be updated to ensure consistency with the new Mayor's Order 2017-313.

OLRCB has not received, in either FY 17 or FY 18, any allegations of sexual harassment or misconduct committed by or against its employees.

16. For any **boards or commissions** associated with your agency, please provide a chart listing the following for each:
- a. For each member:
 1. The member's name;
 2. Confirmation date;
 3. Term expiration date;

4. List any previous terms served;
 5. Whether the member is a District resident or not; and
 6. Attendance at each meeting in FY17 and FY18, to date.
- b. List any vacancies.
 - c. Describe the board's or commission's responsibilities and activities in FY17.
 - d. Attach agendas and minutes of each board or commission meeting in FY17 or FY18, to date, if minutes were prepared.

Response: There are no boards or commissions associated with OLRCB.

17. Please list the **task forces and organizations** of which the agency is a member and any associated membership dues paid.

Response: OLRCB is not a member of any task force or organization and therefore does not pay any associated membership dues.

II. Budget and Expenditures

18. Budget

- Please provide a table showing your agency's Council-approved original budget, revised budget (after reprogrammings, etc.), and actual spending, by program and activity, for FY17 and the first quarter of FY18. For each program and activity, please include total budget and break down the budget by funding source (federal, local, special purpose revenue, or intra-district funds).
- Include any over- or under-spending. Explain any variances between fiscal year appropriations and actual expenditures for FY17 for each program and activity code.
- Attach the cost allocation plans for FY17 and FY18.
- In FY16 or FY17, did the agency have any federal funds that lapsed? If so, please provide a full accounting, including amounts, fund sources (e.g. grant name), and reason the funds were not fully expended.

Response:

FY 17 Agy Fund	Comp Source Group	FY 17 Approved Budget	FY 17 Revised Budget	FY17 Expenditure	Variance	Explanation
0100	0011	\$ 1,394,728.88	\$ 1,194,728.88	\$ 1,141,579.44	\$ 53,149.44	vacancy savings
	0012			\$ 18,179.37	\$(18,179.37)	
	0013			\$ 6,114.48	\$ (6,114.48)	
	0014	\$ 263,603.75	\$ 223,603.75	\$ 195,966.99	\$ 27,636.76	vacancy savings
	0015			\$ 1,444.27	\$ (1,444.27)	
	0020	\$ 9,216.00	\$ 19,216.00	\$ 12,109.63	\$ 7,106.37	
	0031			\$ 175.00	\$ (175.00)	
	0040	\$ 25,305.00	\$ 120,555.00	\$ 124,571.58	\$ (4,016.58)	
	0041					
Total		\$ 1,692,853.63	\$ 1,558,103.63	\$ 1,500,140.76	\$ 57,962.87	
0602	0011	\$ 243,299.46	\$ 265,799.46	\$ 265,799.46	\$ -	
	0014	\$ 56,700.44	\$ 64,200.44	\$ 64,200.44	\$ -	
	0041	\$ 30,000.00	\$ -	\$ -	\$ -	
Total		\$ 329,999.90	\$ 329,999.90	\$ 329,999.90	\$ -	
0700	0011	\$ -	\$ 268,110.00	\$ 268,110.00	\$ -	
	014	\$ -	\$ 76,890.00	\$ 76,890.00	\$ -	
			\$ 345,000.00	\$ 345,000.00	\$ -	

FY 18						
Agy Fund	Comp Source Group	FY 18 Approved Budget	FY 18 Revised Budget	FY18 Expenditure	Variance	Explanation
0100	0011	\$ 1,607,093.91	\$ 1,607,093.91	\$ 445,552.29		
	0012	\$ 31,823.00	\$ 31,823.00	\$ 1,223.96		
	0013			\$ 12,931.25		
	0014	\$ 314,709.87	\$ 314,709.87	\$ 88,217.34		
	0015			\$ 1,826.92		
	0020	\$ 9,216.00	\$ 9,216.00	\$ 2,794.09		
	0031			\$ 325.25		
	0040					
	0041	\$ 30,000.00	\$ 30,000.00	\$ 5,789.05		
Total		\$ 1,992,842.78	\$ 1,992,842.78	\$ 558,660.15		
0602	0011					
	0014					
	0041	\$ 30,000.00	\$ 30,000.00	\$ -		
Total		\$ 30,000.00	\$ 30,000.00	\$ -		
* Program and Activity have the same name (Labor Relations and Collective Bargaining)						

19. Please provide a table listing all **intra-District transfers** for FY17 and FY18 (YTD), as well as anticipated transfers for the remainder of FY18.

- a. For each transfer, include the following details:
 - i. Buyer agency;
 - ii. Seller agency;
 - iii. The program and activity codes and names in the sending and receiving agencies' budgets;
 - iv. Funding source (i.e. local, federal, SPR);
 - v. Description of MOU services;
 - vi. Total MOU amount, including any modifications;
 - vii. Whether a letter of intent was executed for FY17 or FY18 and if so, on what date;

- viii. The date of the submitted request from or to the other agency for the transfer;
 - ix. The dates of signatures on the relevant MOU; and
 - x. The date funds were transferred to the receiving agency.
- b. Attach copies of all intra-district transfer MOUs or MOAs, other than those for overhead or logistical services, such as routine IT services or security.
- c. Please list any additional intra-district transfers planned for FY18, including the anticipated agency(ies), purposes, and dollar amounts.

Response:

FY 17									
	Amount	Buyer Agency	Seller Agency	Service	Signature Date	Transfer Date	LO I	Program	Activity
	\$225,000.00	OSSE	AE0	OLRCB	1/18/2017	multi	N	3000	Labor Relations/ Collective Bargaining
	\$ 50,000.00	OAH	AE0	OLRCB	4/11/2017	6/29/2017	N	3000	Labor Relations/ Collective Bargaining
	\$300,000.00	NFPH	AE0	OLRCB	12/27/2017	multi	N	3000	Labor Relations/ Collective Bargaining
	\$ 30,000.00	UDC	AE0	OLRCB	12/30/2016	2/1/2017	N	3000	Labor Relations/ Collective Bargaining
	\$ 70,000.00	DCPL	AE0	OLRCB	4/1/2017	4/26/2017	N	3000	Labor Relations/ Collective Bargaining
Total	\$675,000.00								
FY 18									
	Amount	Buyer Agency	Seller Agency	Service	Signature Date	Transfer Date	L OI	Program	Activity
	\$225,000.00	OSSE	AE0	OLRCB	12/18/2017	1/11/2018	N	3000	Labor Relations/ Collective Bargaining
	\$ 30,000.00	UDC	AE0	OLRCB	1/18/2018	Not Yet Transferred	N	3000	Labor Relations/ Collective Bargaining
	\$ 70,000.00	DCPL	AE0	OLRCB	12/22/2017	1/9/2018	Y	3000	Labor Relations/ Collective Bargaining
Total:	\$325,000.00								

20. Please provide a table listing every **reprogramming** of funds (i.e. local, federal and SPR) into and out of the agency for FY17 and FY18, to date, as well as anticipated inter-agency reprogrammings for the remainder of FY18. Please attach copies of the reprogramming documents, including the Agency Fiscal Officer’s request memo and the attached reprogramming chart. For each reprogramming, include:
- The reprogramming number;
 - The sending or receiving agency name;
 - The date;
 - The dollar amount;
 - The funding source (i.e. local, federal, SPR);
 - The program, activity, and CSG codes for the originating funds;
 - The program, activity, and CSG codes for the received funds; and
 - A detailed rationale for the reprogramming.

Response: Please see below and “Question 20” Attachment.

No.	Description	FY	Amount	Fund	Submitted	Date Completed
1	The City Administrator reprogrammed \$480,000 in local funds from personal services to non personal services to cover supplies travel and equipment spending for multi activities within AE0.	17	\$ 480,000	0100	8/2/2017	8/11/2017
	Total Funds Reprogrammed		\$ 480,000			

CC/ Progra m Code	RC/ Activit y Code	Agency/ Control Center / Responsibility Center/ Program Name	PCA	Obje ct Class	Obj ect	Original Budget Amount	Current Budget Amount	Amount of	Amount of	Revised Budget Amount
								Decrease (-)	Increase (+)	
3000	30050	Office of Labor Relations	30050	0111	0111	\$1,394,728.88	\$1,394,728.88	\$200,000.00		\$1,194,728.88
3000	30050	Office of Labor Relations	30050	0147	0147	\$263,603.75	\$263,603.75	\$40,000.00		\$223,603.75
2000	20090	Public Works and Government Operations	20009	0123	0123	\$72,100.00	\$72,100.00	\$72,100.00		\$0.00
1000	1090	Agency Management	10090	0125	0125	\$278,034.82	\$278,034.82	\$167,900.00		\$110,134.82
2000	2002	Office of Agency Operations	20020	0201	0201	\$13,784.00	\$13,784.00		\$20,000.00	\$33,784.00
2000	2004	Office Public Private Partnership	20040	0201	0201	\$0.00	\$0.00		\$2,000.00	\$2,000.00
2000	2007	Office of Budget and Finance	20070	0201	0201	\$5,000.00	\$5,000.00		\$40,000.00	\$45,000.00
3000	30050	Office of Labor Relations	30050	0201	0201	\$9,216.00	\$9,216.00		\$10,000.00	\$19,216.00
2000	2002	Office of Agency Operations	20020	0401	0401	\$0.00	\$0.00		\$1,000.00	\$1,000.00
3000	30050	Office of Labor Relations	30050	0401	0401	\$0.00	\$0.00		\$250.00	\$250.00
2000	2002	Office of Agency Operations	20020	0402	0402	\$0.00	\$0.00		\$40,000.00	\$40,000.00
3000	30050	Office of Labor Relations	30050	0408	0408	\$25,305.00	\$25,305.00		\$95,000.00	\$120,305.00
2000	2002	Office of Agency Operations	20020	0408	0408	\$80,695.86	\$80,695.86		\$107,000.00	\$187,695.86
1000	1090	Agency Management	10090	0111	0111	\$747,376.66	\$747,376.66		\$150,000.00	\$897,376.66
2000	2002	Office of Agency Operations	20020	0425	0425	\$0.00	\$0.00		\$2,000.00	\$2,000.00
2000	2002	Office of Agency Operations	20020	0701	0701	\$5,000.00	\$5,000.00		\$12,750.00	\$17,750.00
Total:						\$2,894,844.97	\$2,894,844.97	\$480,000.00	\$480,000.00	\$2,894,844.97

21. Please list, in chronological order, every **reprogramming** *within* your agency during FY17 and FY18, to date, as well as any anticipated intra-agency reprogrammings. Please attach copies of any reprogramming documents. For each reprogramming, include:
- The date;
 - The dollar amount;
 - The funding source (i.e. local, federal, SPR);
 - The program, activity, and CSG codes for the originating funds;
 - The program, activity, and CSG codes for the received funds; and
 - A detailed rationale for the reprogramming.

Response:

No.	Description	FY	Amount	Fund	Submitted	Date Completed				
1	The City Administrator reprogrammed \$480,000 in local funds from personal services to non personal services to cover supplies travel and equipment spending for multi activities within AEO.	17	\$ 480,000	0100	8/2/2017	8/11/2017				
	Total Funds Reprogrammed		\$ 480,000							
CC/ Prog ram Code	RC/ Activity Code	Agency/ Control Center / Responsibility Center/Pr ogram Name	PCA	Obj ct Class	Object	Original Budget Amount	Current Budget Amount	Amount of Decrease (-)	Amount of Increase (+)	Revised Budget Amount
3000	30050	Office of Labor Relations	30050	0111	0111	\$1,394,728.88	\$1,394,728.88	\$200,000.00		\$1,194,728.88
3000	30050	Office of Labor Relations	30050	0147	0147	\$263,603.75	\$263,603.75	\$40,000.00		\$223,603.75
2000	20090	Public Works and Government Operations	20009	0123	0123	\$72,100.00	\$72,100.00	\$72,100.00		\$0.00
1000	1090	Agency Management	10090	0125	0125	\$278,034.82	\$278,034.82	\$167,900.00		\$110,134.82
2000	2002	Office of Agency Operations	20020	0201	0201	\$13,784.00	\$13,784.00		\$20,000.00	\$33,784.00
2000	2004	Office Public Private Partnership	20040	0201	0201	\$0.00	\$0.00		\$2,000.00	\$2,000.00
2000	2007	Office of Budget and Finance	20070	0201	0201	\$5,000.00	\$5,000.00		\$40,000.00	\$45,000.00
3000	30050	Office of Labor Relations	30050	0201	0201	\$9,216.00	\$9,216.00		\$10,000.00	\$19,216.00
2000	2002	Office of Agency Operations	20020	0401	0401	\$0.00	\$0.00		\$1,000.00	\$1,000.00
3000	30050	Office of Labor Relations	30050	0401	0401	\$0.00	\$0.00		\$250.00	\$250.00
2000	2002	Office of Agency Operations	20020	0402	0402	\$0.00	\$0.00		\$40,000.00	\$40,000.00
3000	30050	Office of Labor Relations	30050	0408	0408	\$25,305.00	\$25,305.00		\$95,000.00	\$120,305.00
2000	2002	Office of Agency Operations	20020	0408	0408	\$80,695.86	\$80,695.86		\$107,000.00	\$187,695.86
1000	1090	Agency Management	10090	0111	0111	\$747,376.66	\$747,376.66		\$150,000.00	\$897,376.66

2000	2002	Office of Agency Operations	20020	0425	0425	\$0.00	\$0.00		\$2,000.00	\$2,000.00
2000	2002	Office of Agency Operations	20020	0701	0701	\$5,000.00	\$5,000.00		\$12,750.00	\$17,750.00
Total						\$2,894,844.97	\$2,894,844.97	\$480,000.00	\$480,000.00	\$2,894,844.97

22. For FY17 and FY18, to date, please identify any **special purpose revenue funds** maintained by, used by, or available for use by the agency. For each fund identified, provide:

- a. The revenue source name and fund code;
- b. A description of the program that generates the funds;
- c. The revenue funds generated annually by each source or program;
- d. Expenditures of funds, including the purpose of each expenditure; and
- e. The current fund balance (i.e. budget versus revenue)

Response:

APPROPRIATED FUND		0600									
Agency Code	Agency FUND	Description	DC Code/ Other Authorization	How is Amount Collected Determined	Type of Revenue Transaction	Who Makes Payment	Revenue in FY 17	Expenditure FY 17	Revenue in FY 18	Expenditure FY 18	Fund Balance
AE0	600	Office of Labor Relations and Collective Bargaining receives revenue from UDC and the NFPHC for labor relations services it conducts.	None	The revenue is determined from checks and is collected via the Executive Assistant of OLRCB.	Fee	Not for profit Hospital	\$ 330,000.00	\$ 329,999.90	\$ -	\$ -	\$ -

23. Please list all **memoranda of understanding** (“MOU”) and memoranda of agreement (“MOA”) entered into by your agency during FY17 and FY18, to date, as well as any MOU or MOA currently in force. (You do not need to repeat any intra-district MOUs that were covered in the question above on intra-district transfers.)

- a. For each MOU, indicate:
 - i. The parties to the MOU or MOA;
 - ii. Whether a letter of intent was signed in the previous fiscal year and if so, on what date;
 - iii. The date on which the MOU or MOA was entered;
 - iv. The actual or anticipated termination date;
 - v. The purpose; and
 - vi. The dollar amount.

- b. Attach copies of all MOUs or MOAs, other than those for overhead or logistical services, such as routine IT services or security.
- c. Please list any additional MOUs and MOAs planned for FY18, including the anticipated agency(ies), purposes, and dollar amounts.

Response: Please see Response to Question 19.

24. Please list all **capital projects** in the financial plan and provide an update on all capital projects under the agency's purview in FY17 and FY18, to date, including projects that are managed or overseen by another agency or entity. Please provide:
- a. A brief description of each project begun, in progress, or concluded in FY16, FY17, and FY18, to date;
 - b. A status report on all capital projects including:
 - a. The amount budgeted, actual dollars spent, and any remaining balances;
 - b. Start and completion dates; and
 - c. Current status of the project.
 - c. A list of which projects are experiencing delays and which require additional funding;
 - d. A status report on all capital projects planned for FY18, FY19, FY20, FY21, FY22, and FY23; and
 - e. A description of whether the capital projects begun, in progress, or concluded in FY16, FY17, or FY18, to date, had an impact on the operating budget of the agency; if so, please provide an accounting of such impact.

Response: OLRCB has no capital projects.

25. **Part I.** The committee would like to better understand the agency's programmatic needs and the associated budgetary costs. Please submit copies of your **FY19 budget submission to the Mayor's Office of Budget and Finance (OBF)**. In FY19, this includes:
- a. The Operating Budget Submission Memo;
 - a. Attachment A, Vacancy List;
 - b. Form 1 (Impact of Agency's Marc);
 - c. Form 2 (Enhancement Requests); and
 - d. Attachment B, List of intra-districts.

Part II: In addition, please identify:

- a. Which of your agency's MARC reductions and hypothetical 2% cuts (Form 1) were accepted or rejected (i.e. if the cut was rejected, the funds were not swept and if the cuts were accepted, the funds were swept) ; and
- b. Which of your agency's enhancement requests (Form 2) were accepted (i.e. which enhancements were added to your agency's FY19 budget).

Part III: For FY16 and FY17, please include each fiscal year's information for #24 Part I and Part II. Please indicate if your agency is willingly omitting any information requests in Part I and Part II.

Response: We are working with the Mayor’s Budget Office and the Deputy City Administrator on developing our Fiscal Year 2019 budget. The Mayor’s Fiscal Year 2019 budget will be submitted to the Council on March 21, 2018.

26. Please list each **grant or sub-grant**, including multi-year grants, received by your agency in FY17 and FY18, to date. List the following:
- a. Source;
 - b. Purpose;
 - c. Timeframe;
 - d. Dollar amount received;
 - e. Amount expended;
 - f. How the grant is allocated if it is a multi-year grant; and
 - g. How many FTEs are dependent on each grant’s funding, and if the grant is set to expire, what plans, if any, are in place to continue funding the FTEs.

Response: OLRCB did not receive any grant or sub-grant in FY 17 or FY 18.

27. Please describe every **grant** your agency is, or is considering, applying for in FY18.

Response: OLRCB is not applying, or considering applying, for any grant in FY 18.

28. Please list each **contract, procurement, and lease** leveraged in FY17 and FY18 (year-to-date) with a value amount of \$10,000.00 or more. “Leveraged” includes any contract, procurement, or lease used by the agency as a new procurement establishment (i.e. HCA, BPA, etc.), contract extension, and contract option year execution. This also include direct payments (if applicable). For each contract, procurement, or lease leveraged, please attach a table with the following information, where applicable:

Part I

- a. Contractor/Vendor Name;
- b. Contract Number;
- c. Contract type (e.g. HCA, BPA, Sole Source, single/exempt from competition award, etc.);
- d. Description of contractual goods and/or services;
- e. Contract’s outputs and deliverables;
- f. Status of deliverables (e.g. whether each was met or not met, in-progress, etc.);
- g. Copies of deliverables (e.g. reports, presentations);
- h. Subcontracting status (i.e. Did the Contractor sub any provision of goods and/or services with another vendor);
- i. Total contract or procurement value in FY17;
- j. Total contract or procurement value in FY18 (YTD);
- k. Period of performance (e.g. May 31 to April 30);
- l. Current year of contract (e.g. Base Year, Option Year 1, etc.);

Part II: Please attach monitoring documentation, including any monitoring reports or performance evaluations developed for use. If any contract is performance-based, specify the basis of performance (i.e. the metrics) and describe the payment formula.

Response:

Contract Name	Contract Number	Contract Type	Description of Goods and services	Contract outputs and deliverable	Status of deliverables	Copies of deliverables	Subcontracting status	Total Contract value FY17	Total contract or procurement value FY18	Period of Performance	Current year of contract
PFM Group Consulting	CFOPD 14-A-021	BPA	Financial Advisory Services	Collective Bargaining Analysis	In Progress	N/A	N/A	Not to exceed \$900,000	Not to exceed 900,000	February 1 st January 31 st 2019	Option year 4

29. Please list each **grant** awarded by your agency during FY17 and FY18 (year-to-date) for good and/or services provided by your agency. Please attach any documentation of monitoring, including any reports developed.

For each grant, please include the following information, where applicable:

Part I

- a. Grant/Program Title;
- b. Grant/Program Number;
- c. Grantee Name;
- d. Description of goods and/or services;
- e. Grant’s outputs and deliverables;
- f. Status of deliverables (e.g. whether each was met or not met, in-progress, etc.);
- g. Copies of deliverables (e.g. reports, presentations);
- h. Program Manager name and title assigned to each grant;
- i. Grant Administrator name and title assigned to each grant;
- j. Oversight/monitoring plan for each grant and associated reports, performance evaluations, cure notices, and/or corrective action plans;
- k. Sub-granting status (i.e. Did the Grantee sub any provision of goods and/or services with another vendor);
- l. Requisitions and purchase order numbers established under each grant;
- m. Corresponding, obligated amounts for each purchase order;
- n. Corresponding, expended amounts (actuals) for each purchase order;
- o. Funding source for each requisition and purchase order;
- p. Index and PCA codes used each requisition and purchase order;
- q. Activity code and name for each index and PCA used under requisitions and purchase orders;
- r. Total grant award value in FY17;
- s. Total grant award value in FY18 (YTD);

- t. Period of performance (e.g. May 31 to April 30);
- u. Current year of grant award (e.g. Base Year, Option Year 1, etc.);

Part II: Please attach monitoring documentation, including any monitoring reports or performance evaluations developed for use. If any grant is performance-based, specify the basis of performance (i.e. the metrics) and describe the payment formula.

Response: OLRCB was not awarded any grants during FY 17 or FY 18.

III. Agency performance, evaluation, and disputes

30. Please list all pending **lawsuits** that name the agency as a party.
- a. Provide the case name, court, where claim was filed, case docket number, and a brief description of the case.
 - b. Identify which cases on the list are lawsuits that potentially expose the District to significant financial liability or will result in a change in agency practices, and describe the current status of the litigation.
 - c. Please provide the extent of each claim, regardless of its likelihood of success.
 - d. For those identified, please include an explanation about the issues involved in each case.

Response: There are no pending lawsuits that name OLRCB as a party.

31. Please list all **settlements** entered into by the agency or by the District on behalf of the agency in FY17 or FY18, to date, including any covered by D.C. Code § 2-402(a)(3), which requires the Mayor to pay certain settlements from agency operating budgets if the settlement is less than \$10,000 or results from an incident within the last two years. For each, provide
- a. The parties' names;
 - b. The amount of the settlement; and
 - c. If related to litigation, the case name, court where claim was filed, case docket number, and a brief description of the case; or
 - d. If unrelated to litigation, please describe the underlying issue or reason for the settlement (e.g. Administrative complaint, etc.).

Response: There are no settlements entered into by OLRCB or by the District on behalf of OLRCB in FY 17 or FY 18.

32. Please list in chronological order, all **administrative grievances or complaints** filed by parties outside the agency against the agency in FY17 or FY18, to date, broken down by source. Include on the chronological list any earlier grievance that is still pending in any judicial forum.
- a. For each grievance or complaint, give a brief description of the matter as well as the current status.

- b. Please describe the process utilized to respond to any complaints and grievances received and any changes to agency policies or procedures that have resulted from complaints or grievances received.
- c. For any complaints or grievances that were resolved in FY17 or FY18, to date, describe the resolution.

Response: There are no administrative grievances or complaints filed by parties outside of OLRCB against OLRCB in FY 17 or FY 18.

33. Please list and describe any ongoing **investigations, audits, or reports** on the agency or any employee of the agency, or any that were completed during FY17 and FY18, to date. Please attach copies of any such document.

Response: There are no ongoing investigations, audits, or reports on OLRCB or any OLRCB employee. There were no investigations, audits, or reports on OLRCB or any OLRCB that were completed during FY 17 or FY 18.

34. Please provide a copy of the agency's FY17 **performance accountability report**.
- a. Please explain which performance plan strategic objectives and key performance indicators (KPIs) were met or completed in FY17 and which were not.
 - b. For any met or completed objective, also note whether they were completed by the project completion date of the objective and/or KPI and within budget. If they were not on time or within budget, please provide an explanation.
 - c. For any objective not met or completed, please provide an explanation.

Response: Please see "Question 34" Attachment. Please note that OLRCB is a component of the Office of the City Administrator, which created and maintains the FY 17 performance accountability report.

- a. OLRCB met the following KPIs: (1) Percent of grievance cases successfully mediated before a third party; (2) Percent of grievance cases successfully litigated before the Public Employee Relations Board; and (3) Percent of collective bargaining agreements referred to a third party arbitrator. OLRCB did not meet the following KPIs: (1) Percent of collective bargaining agreements successfully negotiated through the bargaining process; and (2) Percent of collective bargaining agreements referred to third party arbitrators that are ruled in DC government's favor. OLRCB also had "Foster strong labor relations through good faith engagement with duly elected and authorized employee labor representatives" as its strategic objective.
- b. OLRCB met its objective by the project completion date.
- c. Not Applicable. OLRCB met its objective. However, OLRCB did not meet two KPIs. The first KPI (Percent of collective bargaining agreements successfully negotiated through the bargaining process) was not met because a variety of outcomes determined when collective bargaining agreements conclude, including but not limited to, the time in which a union may schedule a ratification vote on the agreement or the time to adjudicate negotiability appeals before the Public Employee Relations Board. The second KPI (Percent of collective bargaining

agreements referred to third party arbitrators that are ruled in DC government's favor) was not met. The KPI measures OLRCB's work based on a percentage, but in this instance, OLRCB only had one agreement referred to a third party arbitrator and the arbitrator did not rule in management's favor; as a result, this one instance caused OLRCB to not meet this KPI.

35. Please provide a copy of your agency's FY18 **performance plan** as submitted to the Office of the City Administrator. Please discuss any changes to outcomes measurements in FY17 or FY18, including the outcomes to be measured, or changes to the targets or goals of outcomes; list each specifically and explain why it was dropped, added, or changed.

Response: OLRCB is a component of the Office of the City Administrator, which maintains a performance plan. Below are OLRCB's FY 18 workload measures and key performance indicators.

Workload measures (volume of work)

<u>Measure</u>	<u>Frequency of reporting</u>
Number of non-compensation collective bargaining agreements currently under negotiation	Annually
Total compensation collective bargaining agreements currently under negotiation	Annually
Number of cases pending at the start of year	Annually
Number of cases referred to OLRCB during the fiscal year	Quarterly
Number of cases closed (withdrawn, settled, or reached judgment)	Quarterly
Number of union dues applications received	Annually

Key Performance Indicators (reflecting of how well your agency is performing)

<u>Measure</u>	<u>Frequency of reporting</u>
Number of collective bargaining agreements reached without arbitration	Annually
Number of collective bargaining agreements reached with arbitration	Annually
Number of collective bargaining negotiations without an agreement reached	Annually
Number of cases where litigation resulted in lawyer fees being awarded to opposing counsel	Quarterly
Number of union dues applications processed	Annually

OLRCB changed its outcome measurements to properly reflect the statutory timelines set forth in D.C. Official Code § 1-617.17(f)(1)(A)(i), § 1-617.17(f)(2), and §§ 1-617.17(f)(3). It also reflects OLRCB’s negotiated obligation made pursuant to D.C. Official Code § 1-617.11, which provides that “labor organization security provisions should be an appropriate issue for collective bargaining.”

36. Please provide the number of **FOIA requests** for FY17 and FY18, to date, that were submitted to your agency.
- Include the number granted, partially granted, denied, and pending.
 - Provide the average response time, the estimated number of FTEs required to process requests, the estimated number of hours spent responding to these requests, and the cost of compliance.
 - Did the agency file a report of FOIA disclosure activities with the Secretary of the District of Columbia? Please provide a copy of that report as an attachment.

Response: OLRCB received four (4) FOIA requests in FY 17 and 0 requests in FY 18. OLRCB granted three (3) FOIA requests in whole and partially granted/denied one (1) request. OLRCB did not deny, in whole, any FOIA request. There are no pending FOIA requests. The median number of days to process FOIA requests was five (5) days. One (1) FTE was required to process the FOIA requests. Five hours were devoted to responding to the FOIA requests. The cost of compliance is, and was, nominal and *de minimis*. OLRCB filed a report of FOIA disclosure activities with the Mayor’s Office of Legal Counsel, not with the Secretary of the District of Columbia. Please see “Question 36” Attachment.

37. Please provide a list of all **studies, research papers, reports, and analyses** that the agency prepared or contracted for during FY17 and FY18, to date. Please attach a copy if the study, research paper, report, or analysis is complete. For each study, paper, report, or analysis, please include:
- The name;
 - Status, including actual or expected completion date;
 - Purpose;
 - Author, whether the agency or an outside party;
 - Reference to the relevant grant or contract (name or number) in your responses above; and
 - Source of funding (program and activity codes) if not included in responses above.

Response: OLRCB has contracted for reports and analyses in the context of compensation bargaining. Those reports and analyses are protected under the attorney work-product doctrine and D.C. Official Code § 1-617.17(h), which provides that “[c]ompensation negotiations pursuant to this section shall be confidential among the parties” and that “[a]ll information concerning negotiations shall be considered confidential until impasse resolution proceedings have been concluded or upon settlement.”

38. Please list all **reports or reporting** currently required of the agency in federal law, the District of Columbia Code, or Municipal Regulations. For each, include
- The statutory code or regulatory citation;
 - Brief description of the requirement;
 - Any report deadlines;
 - Most recent submission date; and
 - A description of whether the agency is in compliance with these requirements, and if not, why not.

Response: Please see OLRCB's response to Question 36(c), which relates to the statutory requirement set forth in D.C. Official Code § 2-538. OLRCB is in compliance with the aforementioned statute.

OLRCB is also required to report information pursuant to D.C. Official Code § 2-1431.02, which relates to the District of Columbia Americans with Disabilities Act Compliance Program. OLRCB submitted its required information on June 16, 2017. OLRCB is in compliance with the aforementioned statute.

39. Please provide a list of any additional **training or continuing education** opportunities made available to agency employees. For each additional training or continuing education program, please provide the subject of the training, the names of the trainers, and the number of agency employees that were trained. What training deficiencies, if any, did the agency identify during FY17 and FY18, to date?

Response: OLRCB did not identify any training deficiencies in FY 17 or FY 18. Moreover, OLRCB does not provide training for its employees (and therefore will not have a list of training or continuing education opportunities), but OLRCB allows its employees to attend training (at no cost to the employee or to OLRCB). OLRCB is a subordinate agency of the Mayor and makes training available to its attorney employees in accordance with D.C. Official Code § 1-608.57. Finally, OLRCB's non-attorney employees are offered training by the D.C. Department of Human Resources and the D.C. Office of the Attorney General.

40. Please discuss **performance evaluations**.
- Does the agency conduct annual **performance evaluations** of all its employees?
 - Who conducts such evaluations?
 - What steps are taken to ensure that all agency employees are meeting individual job requirements?

Response: OLRCB conducts annual performance evaluations of all its employees. In accordance with Chapter 14 of the D.C. Personnel Regulations, the OLRCB Director conducts evaluations of all non-attorney employees. In accordance with Chapter 36 of the D.C. Personnel Regulations, the OLRCB Director conducts evaluations of all Supervisory Attorney Advisors, who in turn, conduct all annual performance evaluations of all non-supervisory Attorney Advisors.

41. Please list all **recommendations identified by the Office of the Inspector General, D.C. Auditor, or other federal or local oversight entities** during FY16, FY17, or FY18, to date. Please provide an update on what actions have been taken to address each recommendation. If the recommendation has not been implemented, please explain why.

Response: There were no recommendations identified by the Office of the Inspector General, D.C. Auditor, or other federal or local oversight entity during FY 16, FY 17, or FY 18.

IV. Agency Operations

42. How did the agency address its **top five priorities** in FY17? What are the agency's top five priorities in FY18? Please explain how the agency expects to address these priorities in FY18.

Response: OLRCB's top priority for FY 17 was to reduce litigation costs. OLRCB achieved its priority by prevailing or successfully mediating cases, as measured by its FY 17 key performance indicator. As the protection of public funds remains important, the reduction of litigation costs will remain a top priority for FY 18. OLRCB will continue to address this priority by notifying the City Administrator of cases that OLRCB believes should be settled (that may have significant costs associated with litigation) if an agency disagrees with OLRCB's recommendation to settle. In such cases, the City Administrator will provide guidance to OLRCB to proceed with the hearing or settlement of the case.

OLRCB's second priority for FY 17 was to integrate raw data into the new data management system. OLRCB currently maintains hard copies of certifications issued by the Public Employee Relations Board, as most of these certifications were issued prior to OLRCB's implementation of "Time Matters." In achieving its priority, OLRCB digitized all certifications into the centralized data management system. This allowed for better recordkeeping of permanent records and it allowed OLRCB to more quickly address questions regarding the bargaining unit status of employees at agencies. OLRCB also integrated existing new case data into the data management system that will allow OLRCB to track frequent issues that agencies face in labor litigation. OLRCB will continue the integration of raw data into the new data management system as a top priority for FY 18.

OLRCB's third priority for FY 17 was the development of training curriculum based upon litigation case data. OLRCB held quarterly labor liaison forums in FY 17, and it conducted a "case study" based upon litigation case data. Because the case study training is well received by District Government management officials and labor law practitioners, OLRCB will maintain the development of training curriculum based upon litigation case data as a top priority for FY 18. In addition, the "total number of employees trained in labor relations and collective bargaining" served as a FY 17 workload measure for OLRCB.

OLRCB's fourth priority for FY 17 was the promotion of employee growth. OLRCB achieved this priority. OLRCB encouraged all its attorney employees to attend training relating to legal writing and employment law. Moreover, OLRCB worked with its non-supervisory attorney employees, giving each an opportunity to serve as a management representative in negotiating a compensation collective bargaining agreement and a working conditions collective bargaining agreement. This allowed the employees to gain knowledge regarding the negotiability of items and litigation skills through the filing pleadings with the Public Employee Relations Board. OLRCB will maintain the promotion of employee growth as a top priority for FY 18. OLRCB will address this priority by encouraging employees to attend more relevant training, by conducting its own training on litigation and bargaining, and by having more employees serve as the lead negotiator for management teams in collective bargaining on working conditions agreement.

OLRCB's fifth top priority for FY 17 was the development of stronger relations with labor leaders. The Interim OLRCB Director has maintained an open door policy for any labor president who wishes to discuss the status of bargaining or any matter covered by a collective bargaining agreement or Subchapter XVII of the Comprehensive Merit Personnel Act. Continued development and maintenance of strong relationships with labor leaders will remain a top priority for OLRCB in FY 18. OLRCB will achieve this priority by continuing efforts made in FY 17 and by allowing more attorneys to negotiate with labor leaders, thus, allowing the attorneys to develop a strong professional relationship with the same leaders with whom they may have to mediate a case.

43. Please describe any **initiatives** that the agency implemented in FY17 or FY18, to date, to improve the internal operations of the agency or the interaction of the agency with outside parties. Please describe the results, or expected results, of each initiative.

Response: In FY 17, OLRCB implemented biweekly staff meetings related to ongoing collective bargaining to improve its internal operations and the interaction of OLRCB with outside parties. As a result, OLRCB has successfully negotiated collective bargaining agreements with a number of local unions.

44. Please list each **new program** implemented by the agency during FY17 and FY18, to date. For each program, please provide:

- A description of the program;
- The funding required to implement to the program;
- The program and activity codes in the budget; and
- Any documented results of the program.

Response: OLRCB did not implement any new program during FY 17 or FY 18.

45. Please explain the impact on your agency of any **legislation** passed or regulations adopted at the federal level during FY17 and FY18, to date, which significantly affect agency operations.

Response: No legislation passed at the federal level during FY 17 or FY 18 has significantly affected OLRCB's operations. No regulation adopted at the federal level during FY 17 or FY 18 has significantly affected OLRCB's operations.

46. Please identify any **legislative requirements** that your agency lacks sufficient resources to properly implement. Please explain.

Response: There is no legislative requirement for which OLRCB lacks sufficient resources to properly implement.

47. Please discuss any **legislation** your agency plans to submit to the Council in FY18 or FY19.

Response: OLRCB submits finalized agreements to the Council for consideration as necessary.

48. Please identify any **statutory or regulatory impediments** to your agency's operations.

Response: There are no statutory or regulatory impediments to ORLCB's operations.

49. Please list all **regulations** for which the agency is responsible for oversight or implementation.

- a. For each regulation, please list the chapter and subject heading, and the date of the most recent revision.
- b. Please list any pending or planned regulatory action, including the chapter and subject, status, and actual or anticipated completion date.

Response: OLRCB is responsible for oversight and implementation of Mayor's Order 2001-168 (November 14, 2001) ("Reestablishment of the Office of Labor Relations and Collective Bargaining").

50. Please attach copies of the required annual **small business enterprise (SBE) expenditure** reports for your agency for FY16 and FY17.

- a. D.C. Official Code § 2-218.53(b) requires each District agency to submit supplemental information with their annual SBE expenditure report, including: a description of the activities the agency engaged in to achieve their fiscal year SBE expenditure goal; and a description of any changes the agency intends to make during the next fiscal year to achieve their SBE expenditure goal. Has your agency submitted the required information for FY17? Please provide a copy as an attachment.

Response: OLRCB is not an agency required to submit an annual SBE expenditure report but is a component of the Office of the City Administrator.

51. Please identify all **electronic databases** maintained by your agency, including the following:
- A detailed description of the information tracked or maintained within each system;
 - The age of the system and any discussion of substantial upgrades that have been made or are planned to the system; and
 - Whether the public can be granted access to all or part of each system.

Response: OLRCB maintains two electronic databases: LexisNexis – Time Matters (hereinafter “Time Matters”) and Microsoft Access. In both systems, OLRCB maintains all litigation filings. In Microsoft Access, OLRCB maintains correspondence between OLRCB (or its employees) and outside parties. Time Matters was acquired in 2016; Microsoft Access has existed since 2010. There are no discussions of substantial upgrades that have been made or are planned to be made to either system. The public cannot be granted any part of either system, as both systems are internal databases used by OLRCB for case management and internal document management purposes.

52. Please provide a detailed description of any **new technology** acquired or any upgrades to existing technology in FY17 and FY18, to date, or anticipated for the remainder of FY18.
- Include the cost, what it does, and the budget program and activity codes that fund it.
 - Cross reference to any relevant contracts (name or number) in the responses above.
 - Please explain if there have there been any issues with implementation.

Response: OLRCB did not acquire any new technology in FY 17 or FY 18, and OLRCB did not upgrade any existing technology in FY 17 or FY 18. OLRCB does not anticipate acquiring any new technology or upgrading any existing technology for the remainder of FY 18.

V. OLRCB-lead Litigation and Arbitration

53. Please explain the practice and policy for deciding which labor arbitration decisions and awards are appealed to the DC Public Employee Relations Board (“PERB”), and/or the Courts.
- Explain in a statement and provide copies of any internal policies that describe any ongoing practices or policies for deciding whether a binding arbitration decision or award will be appealed or otherwise disputed before the PERB and/or the Courts.
 - For FY16, FY17, and FY18, to date, how many binding arbitration decisions and awards did OLRCB challenge and/or appeal before the PERB and/or the Courts?
 - For FY16, FY17, and FY18, to date, please provide a list of the PERB/Court captions of each appeal of binding arbitration decisions and awards. For each case listed, include legal costs, in attorney’s time, fees, and any other related costs and state the final result/status of each case.

- d. For FY16, FY17, and FY18, to date, what were the total legal costs for appealing binding arbitration decisions in each fiscal year?

Response: OLRCB does not appeal decisions to the Courts. OLRCB evaluates each arbitration award, on a case-by-case basis, to determine whether to file an arbitration review request with the D.C. Public Employee Relations Board (PERB). By law, an arbitration award “may be modified or set aside or remanded, in whole or in part, only if the arbitrator was without, or exceeded, his or her jurisdiction; the award on its face is contrary to law and public policy; or was procured by fraud, collusion, or other similar and unlawful means.” D.C. Official Code § 1-605.02.

- a. Any information responsive to subsection (a) is protected under the attorney-work product doctrine.
- b. OLRCB filed a total of three (3) appeals against arbitration awards in FY 16, FY 17 & FY 18 to date.
- c.

<u>Case Number</u>	<u>Parties</u>	<u>Legal costs, etc.</u>	<u>Final Result/Status</u>
PERB 16-A-02	DYRS v. FOP/DYRS Labor Committee	OLRCB did not incur legal costs associated with this appeal apart from those subsumed within sums budgeted for staff salaries, office supplies, etc.	Matter closed; withdrew Motion for Reconsideration of ARR decision due to settlement agreement with Union
PERB 16-A-09	DCPS v. Washington Teachers’ Union	OLRCB did not incur legal costs associated with this appeal apart from those subsumed within sums budgeted for staff salaries, office supplies, etc.	Matter closed; ARR denied
PERB 17-A-02	DCRA v. AFGE Local 2725	OLRCB did not incur legal costs associated with this appeal apart from those subsumed within sums budgeted for staff salaries, office supplies, etc.	Matter closed; ARR denied
PERB 18-A-07	NAGE R3-07 v. OUC	The Union has pursued the appeal, and OLRCB has not incurred legal costs associated with this appeal apart from those subsumed within sums budgeted for staff salaries, office supplies, etc.	Matter pending as recently filed by Union challenging a win o/b/o OUC

- d. The costs for appealing binding arbitration decisions in FY 16, FY 17, and FY 18 were nominal.

54. In its response to Question 27 of the FY 17 Performance Oversight Questions, OLRCB listed the reduction of litigation costs as one of its top five priorities. What progress has the agency made in reducing litigation costs? Please list total litigation costs for FY 2015, FY 2016, FY 2017, and FY 2018 (to date).

Response: Litigation costs are generally trending downwards, in keeping with OLRCB's multi-faceted focus on restraining such costs and on pursuing only matters through litigation that have been carefully vetted for their merits.

OLRCB litigation cost data on behalf of the agencies it serves are as follows:

FY 2015 – \$221,770.08

FY 2016 – \$117,011.90

FY 2017 – \$6,276.60

FY 2018 (to date) – \$2,750.00

55. In its response to Question 27 of the FY 17 Performance Oversight Questions, OLRCB's second priority was to integrate raw data regarding the District agencies' bargaining units and litigation case date and its third priority was to develop training to agencies based on litigation data. What is the status of this training development? Has data been integrated into the new data management system? If so, have any new training programs been developed yet? If not, what is the timing?

Response: OLRCB has developed training based on litigation data and provides such training to management officials at OLRCB's quarterly labor liaison forums. OLRCB has also integrated data into its new data management system and has provided training based on recent litigation that has been inputted into the new data management system. OLRCB's most recent training was on January 17, 2018.

56. DC Official Code §1-617.17(i)(1) states that “[t]he Mayor shall transmit all settlements, including arbitration awards, to the Council within 60 days after the parties have reached agreement or an arbitration award [...]”

- a. Please state the position of OLRCB regarding its interpretation of DC Official Code §1-617.17(i)(1), provide a detailed explanation and analysis of its statutory interpretation, and provide any legal authority that OLRCB relied upon for its analysis. If the statutory interpretation includes any exceptions to the requirement that the Mayor must submit a settlement or arbitration award within the 60-day period, please provide a detailed explanation and analysis of those exceptions.
- b. Please state OLRCB's interpretation of this provision within the context of the binding arbitration award (awarded June 8, 2017) regarding the collective bargaining agreement between D.C. Nurses Association (DCNA) and the United Medical Center (UMC).

Response:

- a. OLRCB serves as Management's advocate in collective bargaining and litigation over matters subject to the jurisdiction of a negotiated

third party neutral (*e.g.*, an arbitrator) or the Public Employee Relations Board. To this end, OLRCB takes a position over whether a matter is subject to bargaining based upon statutory interpretation and whether a matter is subject to arbitration based upon statutory interpretation.

- b. In order to determine the applicability of D.C. Official Code § 1-617.17(i)(1) – which is section 1717(i)(1) of the Comprehensive Merit Personnel Act--the Office of the City Administrator requested an opinion from the Office of the Attorney General (OAG). As such, OLRCB has not opined on this matter.

VI. OLRCB Initiatives

57. In its response to Question 27 of the FY 17 Performance Oversight Questions, the agency's fourth priority was to promote employee growth and its fifth was to develop better relationships with labor leaders. What has the agency done to reach the goals listed under these priorities? Has the agency provided its attorneys training to improve their negotiation skills as a part of this effort? Have attorneys had more exposure and practice with leading collective bargaining negotiations or for handling union grievances and other related matters?

Response: Please see response to # 42.

58. On November 2, 2017, the Committee held a public roundtable on the “Compensation Collective Bargaining Agreement between the District of Columbia Government Department of Behavioral Health and 1199 Service Employees International Union, United Healthcare Workers East MD/DC Region (1199 SEIU), FY 2016-FY 2019 Approval Resolution of 2017” (PR 22-0531). During the roundtable, the Committee's Chair, Councilmember Elissa Silverman, asked both the Executive and the Union questions about a Joint Labor-Management Affordable Housing Task Force described in their Collective Bargaining Agreement. In response to Councilmember Silverman's questions, OLRCB provided the Committee with the Negotiated Employee Assistance Home Purchase (NEAHP) Program Summary Report for September 2017. Please describe what works best about the NEAHP program. If there are ways in which the program can be approved, please describe suggested improvements to the program.

Response: OLRCB and several unions negotiate the continued existence and funding of the NEAHP Program. In short, OLRCB's role is limited.

59. According to the NEAHP Program Summary Report, 91% of the program's loan applicants have been District residents. Are there any special efforts being made to attract Maryland and Virginia residents to apply to the program? If so, please describe these efforts.

Response: OLRCB's role is limited to the negotiation of the continued existence and funding of the NEAHP Program.

60. According to the NEAHP Program Summary Report, among those receiving loans, more than half of the homes purchased were located in Ward 7 and more than a quarter of the homes were located in Ward 8. Are there initiatives or plans for achieving better Ward distribution of the program? If so, please describe these efforts.

Response: OLRCB and several unions negotiate the continued existence and funding of the NEAHP Program. In short, OLRCB's role is limited.

61. According to the NEAHP Program Summary Report, the loan portion of the program is administered by the DC Department of Housing and Community Development (DHCD) with the assistance of the Greater Washington Urban League. Now that the DC Housing Finance Agency (DCHFA) also administers the Home Purchase Assistance Program (HPAP), is there any advantage to engaging DCHFA for assisting with administering the NEAHP program as well?

Response: OLRCB is not aware whether DCHFA also administers the Employer-Assisted Home Purchase (EAHP) program. Employees eligible for NEAHP are generally eligible for, and tend to also use, HPAP and EAHP.

VII. Collective Bargaining

62. Please provide a current union contact list of all unions representing District employees. Please include the name of the union; and the names, titles, and contact information of the union's local leadership.

Response: Please see "Question 62" Attachment.

63. Please list in a searchable Excel table format (in its original form and not a scanned copy), and alphabetized by agency, every operative collective bargaining agreement the District government has entered into. Since bargaining units typically have two agreements (wages and working conditions), there will be two lines in the table, together, for those agencies. Include the following information: agency name, union ID, type of agreement (e.g., wages, or working conditions), terms of the agreement, (e.g., 1/1/13 – 1/1/16), approximate number of employees covered, current status of agreement and a column for any comments. For the several agreements covering multiple agencies, list those first in the table.

Response: Please see "Question 63" Attachment.

64. Please list in table format, every collective bargaining agreement (same order as question #57) that has expired. Identify the agreement, the expiration date, and explain its current situation regarding that agreement or the negotiation of a new agreement.

Response: No collective bargaining agreement has expired, but, by operation of the respective agreement, has continued in effect since the stated expiration date.

65. Please provide a brief explanatory paragraph of every agreement that is under negotiation but at impasse. Order these paragraphs as in question #57.

Response: D.C. Official Code § 1-617.17(h) provides in pertinent part that “[a]ll information concerning negotiations shall be considered confidential until impasse resolution proceedings have been concluded or upon settlement.”

66. Please describe how OLRCB determines the amount of District funding available for compensation agreements during the collective bargaining process.

- a. How does OLRCB work with OCA and the CFO to provide funds for new contracts? Please describe this process in detail.
- b. How many contracts were entered into in FY17 and FY18, to date, that were funded outside of the Workforce Investments account? Provide a complete list of these contracts and include the costs for each and the reason why they were funded from sources outside of the Workforce Investment account.

Response:

- a. OLRCB works closely with the Office of the City Administrator to determine funding for agreements. However, the details of such process are deliberative and privileged.

b. Fiscal Year	CBA – Agency/Union	Funding Source
2017	OSSE/Teamsters 639	2017-2020 budget and financial plan

67. State the length of time taken to complete negotiations for all CBAs that were entered into in FY17. For each CBA, include the date on which the previous CBA expired, if applicable; the date negotiations started; the date negotiations were completed; the effective date of the newly negotiated contract; and the number of days from the date of the previous CBA’s expiration and the date of the newly negotiated CBA’s effective date. For all CBAs, provide the average number of days from the date of the previous CBA’s expiration and the date of the newly negotiated CBA’s effective date.

Response:

CBA entered into in FY 17	Stated Expiration Date	Starting Date of Negotiations	Completion Date of Negotiations	Effective Date of New CBA	Number of Days from expiration date and new effective date
1199 SEIU and DBH – Comp	9/30/2016	12/19/2016	6/30/2017	10/1/2016	0 -
CIR and DBH – Comp	9/30/2016	9/30/2016	3/31/2017	10/1/2016	0
DOC and FOP – Non-	9/30/2005 (Working	3/12/2009	11/2/2016	10/1/2016	0 – Prior CBA continued in

comp	conditions CBA continued in effect until the effective date of successor agreement)				effect until successor agreement was executed
DGS & FOP/PSPDLC – Non-comp	9/30/1990 (IBPO's working conditions CBA continued in effect until the effective date of successor agreement)	4/10/2012	3/29/2017	10/1/2017	0 – Prior CBA continued in effect until successor agreement was executed

68. Please provide the current status of Comps 1 & 2 contract negotiations.

- a. Where are Comps 1 & 2 currently in the bargaining process?
- b. When did contract negotiations start? When is the expected completion of the negotiations process?
- c. Have any parts of Comps 1 & 2 gone into an impasse during the course of this negotiation process? If so, please explain what portions when into impasse, the reason why it went to impasse, and how it was resolved.
- d. What additional steps, if any, will be necessary to complete and enter into these agreements?
- e. What steps has OLRCB taken to ensure that Comps 1 & 2 will be fully funded? Please explain how they will be funded.

Response:

- a. The District of Columbia Government and Compensation Units 1 and 2 reached a tentative agreement, which is currently pending before Council.
- b. Negotiations began on June 26, 2017. Negotiations have completed.
- c. No parts of bargaining between the District of Columbia Government and Compensation Units 1 and 2 have gone to impasse.
- d. Council approval is the remaining step necessary for completion of the tentative agreement reached between the District of Columbia Government and Compensation Units 1 and 2.
- e. OLRCB obtained a fiscal impact statement from the Office of the Chief Financial Officer, which provides that funds are sufficient to implement the tentative compensation agreement between the District of Columbia Government and Compensation Units 1 and 2.

69. Through several public roundtables held by the Committee within the past year, the Committee has become aware of several CBAs with provisions creating Sick Leave Incentive Programs. Sick Leave Incentive Programs generally allow each employee to earn additional leave when the employee does not use all of their earned paid sick leave.

- a. When did this type of provision first begin to appear in CBAs covering District government employees?
- b. Please explain why this type of provision was originally bargained for and added to CBAs. Was it a provision endorsed by unions? Did the Executive originally propose adding this provision?
- c. What is the Executive's current position regarding this provision? Does the Executive currently support or does not support the continued use of this type of provision in CBAs.

Response:

- a. This type of provision was negotiated in the Compensation Agreement for Compensation Units 1 and 2, as early as the 1988. It was then entitled the "Personal Leave Incentive Program;" however, the 1988 provision is essentially the same as the current "Sick Leave Incentive Program" provision under the 2013-2017 Compensation Units 1 and 2 Agreement.
- b. OLRCB does not have any bargaining history for the 1988 Compensation Agreement for Compensation Units 1 and 2 that addresses why this provision was originally bargained for other than the explanation that appears as part of the provision, "in order to recognize an employee's productivity through his/her responsible use of accrued sick leave, the Employer agrees to provide personal leave days..." The unions have sought to retain this provision in the 2013-2017 Compensation Units 1 and 2 Agreements, as well as recently ratified agreement for 2018-2021 that is pending before the Council.
- c. The Sick Leave Incentive Program is a negotiable item under D.C. Official Code § 1-617.17. There is no statutory basis for declaring the Program nonnegotiable.