



Public
Employee
Relations
Board

GOVERNMENT OF
THE DISTRICT OF
COLUMBIA



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February 11, 2015

Phil Mendelson, Chairman
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Dear Chairman Mendelson:

Pursuant to your correspondence dated January 28, 2015, the following are responses to your preliminary questions in preparation for the upcoming performance oversight hearing. As requested, an electronic copy and requested attachments are provided at this time. A hand delivered hard copy is in route to your office.

If you have any further questions, please do not hesitate to contact me.

1. **Please provide, as an attachment to your answers, a current organizational chart for your agency with the number of vacant and filled FTEs marked in each box. Include the names of all senior personnel, if applicable. Also include the effective date on the chart.**

ATTACHMENT A

2. **Please provide, as an attachment, a Schedule A for your agency which identifies all employees by title/position, current salary, fringe benefits, and program office as of January 26, 2015. The Schedule A also should indicate any vacant positions in the agency. Please do not include social security numbers.**

ATTACHMENT B

3. **Please list all employees detailed to or from your agency, if any. 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.**

N/A

4. (a) For fiscal year 2014, please list each employee whose salary was \$110,000 or more. For each employee listed provide the name, position title, salary, and amount of any overtime and/or bonus pay.

Name	Position Title	Salary	Overtime/ Bonus	Effective Dates
Harley, Keturah Denise	Acting Executive Director	\$138,020	0	06/01/13-1/31/14
Harley, Keturah Denise	General Counsel	\$127,254	0	02/03-05/02/14
Martin, Clarene Phyllis	Executive Director	\$144,203	0	02/03/14- Present

- (b) For fiscal year 2015, please list each employee whose salary is or was \$110,000 or more. For each employee listed provide the name, position title, salary, and amount of any overtime and/or bonus pay as of the date of your response.

Name	Position Title	Salary	Overtime	Bonus
Martin, Clarene Phyllis	Executive Director	\$148,529	0	0
Maxwell, Elbert Lindsey	Supervisor Attorney-Advisor	\$121,269	0	0

5. Please list, in descending order, the top 25 overtime earners in your agency for fiscal year 2014. For each, state the employee's name, position or title, salary, and aggregate overtime pay.

N/A

6. For fiscal years 2013, 2014, and 2015 (to date), please provide a list of employee bonuses or special award pay granted that identifies the employee receiving the bonus or special pay, the amount received, and the reason for the bonus or special pay.

None

7. For fiscal year 2015 (to date), please list each employee separated from the agency with separation pay. State the amount and number of weeks equivalents. Also, for each, state the reason for the separation.

None

8. For fiscal years 2013, 2014, and 2015 (to date), please state the total number of employees receiving worker's compensation payments.

None

9. For fiscal years 2014 and 2015 (to date), please list, in chronological order, all intra-District transfers to or from the agency.

None

10. **Please list, in chronological order, every reprogramming of funds into and out of the agency for fiscal years 2014 and 2015 (to date). Include a “bottom line” that explains the revised final budget for your agency. For each reprogramming, list the reprogramming number, the date, the amount, and the rationale.**

None

11. **For fiscal years 2014 and 2015 (to date), please identify any special purpose revenue funds maintained by, used by, or available for use by your agency. For each fund identified, provide: (1) the revenue source name and code; (2) the source of funding; (3) a description of the program that generates the funds; (4) the amount of funds generated annually by each source or program; and (5) expenditures of funds, including the purpose of each expenditure.**

None

12. **Please list all memoranda of understanding (MOU) either entered into by your agency or operational during fiscal years 2014 and 2015 (to date). For each, describe its purpose, indicate the date entered, and provide the actual or anticipated termination date.**

Agency	Purpose	Term	Cost
OCTO	Multi-tiered database, application and web environment to support the architecture design and functionality of PERB’s electronic case tracking systems new environment	10/1/2014-09/30/2015	\$6,650.00

13. **D.C. Law requires the Mayor and the Chief Financial Officer to submit to the Council, simultaneously with a proposed budget submission, actual copies of all agency budget enhancements requests, including the “Form B” for all District agencies (See D.C. Code § 47-318.05a). In order to help the Committee understand agency needs, and the cost of those needs for your agency, please provide as an attachment to your answers all budget enhancement requests submitted by your agency to the Mayor or Chief Financial Officer as part of the budget process for fiscal years 2014 and 2015.**

ATTACHMENT C (Form B for FY2016)

In FY2015 PERB requested and was granted an enhancement in the amount of \$25,000 for labor/management training.

14. **Please list each grant or sub-grant received by your agency in fiscal years 2014 and 2015 (to date). List the date, amount, purpose of the grant or sub-grant received, and explain how the grant is allocated if it is a multi-year grant.**

None

15. **Please list all currently open capital projects for your agency as of the date of your response, including those projects that are managed or overseen by another agency or entity. Include a brief description of each, the total estimated cost, expenditures to date, the start and completion dates, and the current status of the project. Also, indicate which projects are experiencing delays and which require additional funding.**

None

16. **Please list all pending lawsuits that name your agency as a party. Please identify which cases on the list are lawsuits that potentially expose the city to significant liability in terms of money and/or change in practices. The Committee is not asking for your judgment as to the city's liability; rather, we are asking about the extent of the claim. For those claims identified, please include an explanation about the issues for each case.**

Please note: The listed cases are appeals of PERB Decisions and Orders. PERB has no liabilities.

2015 CA 00150 P (MPA)	AFGE Local 2978 v. D.C. PERB
2015 CA 000439 P (MPA)	Int'l. Assoc. of Firefighters, Local 36 v. D.C. PERB
2015 CA 000290 P (MPA)	FOP MPD Labor Committee v. D.C. PERB
2014 CA 008170 P (MPA)	D.C. MPD v. D.C. PERB
2014 CA 007679 P (MPA)	D.C. MPD v. D.C. PERB
2014 CA 003025 P (MPA)	IAFF Local 36 v. D.C. PERB
2014 CA 006600 P (MPA)	D.C. MPD v. D.C. PERB
2013 CA 007608 P (MPA)	Child & Family Services Agency and D.C. Public Schools v. D.C. PERB
2013 CA 007322 P (MPA)	D.C. Public Schools v. D.C. PERB
2013 CA 005896 P (MPA)	D.C. MPD v. D.C. PERB
2013 CA 005870 P (MPA)	AFGE Local 631 v. D.C. PERB
2012 CA 004578 P (MPA)	D.C. MPD v. D.C. PERB
2012 CA 003140 P (MPA)	Candi Peterson v. D.C. PERB
12-CV-1910	FEMS v. D.C. PERB
12-CV-1813	FEMS v. D.C. PERB
14-CV-846	D.C. MPD v. D.C. PERB
14-CV-1015	FOP MPD Labor Committee v. D.C. PERB

17. (a) Please list and describe any investigations, studies, audits, or reports on your agency or any employee of your agency that were completed at any time since October 1, 2011.

Audits/Investigations	Description	Date
SBE Expenditure Report prepared by Office of the District of Columbia Auditor (ODCA)	PERB identified as delinquent in submitting quarterly SBE Expenditure reports.	June 18, 2014
Investigation/Settlement	In 2012 a wrongful termination OEA complaint was filed against the agency. This matter was settled.	January 2013

- (b) Please list and describe any ongoing investigations, audits, or reports of your agency or any employee of your agency.

None

18. Please list, in chronological order, all employee grievances filed against your agency in fiscal years 2014 and 2015 (to date). Also, list any earlier grievance that is still pending in any judicial forum. For each, give a brief description of the matter as well as the current status.

None

19. In table format, please list the following for fiscal years 2013, 2014, and 2015 (to date) regarding the agency's use of SmartPay (credit) cards for agency purchases: (1) individuals (by name and title/position) authorized to use the cards; (2) purchase limits (per person, per day, etc.); and (3) total spent (by person and for the agency).

FY 2013	FY 2014	FY 2015
Yvonne P Waller Administrative Officer	Yvonne P Waller Administrative Officer	Yvonne P Waller Administrative Officer
\$2,500 per day	\$2,500 per day	\$5,000 per day
\$53,751.60 (total spent)	\$50,459.93 (total spent)	\$9,834.57 (total spent)

20. (a) In table format, please provide the following information for fiscal years 2013, 2014, and 2015 (to date), regarding your agency’s use of cellular phones and mobile devices: (1) individuals (by name and title/position) authorized to carry and use such devices; (2) total annual expense (FY) for each individual’s use; and (3) justification for such use (per person). If the list is more than one page in length, you may provide it as an attachment.

Name	Title	FY2013	FY2014	FY2015
Clarene Martin	Executive Director		448.80	372.44
Lindsey Maxwell	Supervisory Attorney			93.11
Yvonne Waller	Administrative Officer	673.20	673.20	372.44
Erica Balkum	Attorney Advisor	504.90	673.20	372.44
Colby Harmon	Attorney Advisor	504.90	673.20	372.44
David McFadden	Attorney Advisor	673.20	673.20	372.44
Keturah Harley	General Counsel	673.90	448.80	
Erin Wilcox	Attorney Advisor	673.90	673.90	
Joy Lee	Law Clerk	504.90	673.90	
Ondray Harris	Executive Director	448.80		
Adessa Barker	Law Clerk		392.70	

- (b) Please describe how your agency manages and limits its mobile, voice, and data costs, including cellular phones and mobile devices.

PERB policy restricts usage to business use.

21. (a) Does your agency have or use one or more government vehicles? If so, for fiscal years 2013, 2014, and 2015 (to date), please list these vehicles. You may group the vehicles by category (e.g., 15 sedans, 33 pick-up trucks, three transport buses, etc.).

No

- (b) Please list all vehicle accidents involving your agency’s vehicles for fiscal years 2013, 2014, and 2015 (to date). Provide: (1) a brief description of each accident; (2) the type of vehicle involved; (3) the justification for using such vehicle; (4) the name and title/position of the driver involved; and (5) whether there was a finding of fault and, if so, who was determined to be at fault.

N/A

22. D.C. Law requires the Mayor to pay certain settlements from agency operating budgets if the settlement is less than \$10,000 or less than two years old (see D.C. Code § 2-402(a)(3)). Please itemize each charge-back to your agency for a settlement or judgment pursuant to D.C. Code § 2-402.

None

23. (a) **D.C. Law prohibits chauffeurs, take-home vehicles, and the use of SUVs (see D.C. Code §§ 50-203 and 50-204). Is your agency in compliance with this law? Please explain any exceptions.**

Yes

(b) **If there are exceptions, please provide the following: (1) type of vehicle (make, model, year); (2) individuals (name/position) authorized to have the vehicle; (3) jurisdictional residence of the individual (e.g., Bowie, MD); and (4) justification for the chauffer or take-home status.**

N/A

24. **In table format, please provide the following information for fiscal years 2013, 2014, and 2015 (to date) regarding your agency's authorization of employee travel: (1) individuals (by name and title/position) authorized to travel outside the District; (2) total expense for each trip (per person, per trip, etc.); and (3) justification for the travel (per person).**

N/A

25. **Please provide and itemize, as of January 26, 2015, the current number of When Actually Employed (WAE), term, and contract personnel within your agency. If your agency employs WAE or term personnel, please provide, in table format, the name of each employee, position title, the length of his or her term, the date on which he or she first started with your agency, and the date on which his or her current term expires.**

Name	Position Title	Term
Margaret P. Cox	Legal Administrative Spec.	July 1, 2014 – July 31, 2015
Benjamin Kraft	Attorney-Advisor	Jan. 26 – Sept. 30, 2015

26. **Please provide, as an attachment, a copy of your agency's current annual performance plan as submitted to the Office of the City Administrator.**

ATTACHMENT D

27. **What are your top five priorities for the agency? Please provide a detailed explanation for how the agency expects to achieve or work toward these priorities in fiscal years 2015 and 2016.**

Priority	Means
a) Reduce backlog	Establishing standard operating procedures and setting case handling goals for the agency and the attorneys. Reduce number of extensions granted to parties which delay hearings.
b) Increase number of cases settled through mediation	Established the Hearing Examiner Settlement Program a more robust form of mediation which allows parties to have a hearing examiner assess the case before a hearing.
c) Revise PERB rules	PERB is in the process of updating and reviewing its rules. Upon completion, PERB will publish them for public comment.
d) Disseminate labor related information to District managers and union representatives.	<u>Second Tuesdays at PERB</u> is a training program started in December 2014. The 1½ hours sessions held once a month are attended my management, unions as well as labor lawyers and covers various labor related topics. In addition, PERB will start a periodic e-newsletter <u>PERB Notes</u> for dissemination to the District government labor community.
e) Office expansion	It is anticipated that PERB will assume part of the office space now occupied by the Office of Employee Appeals.

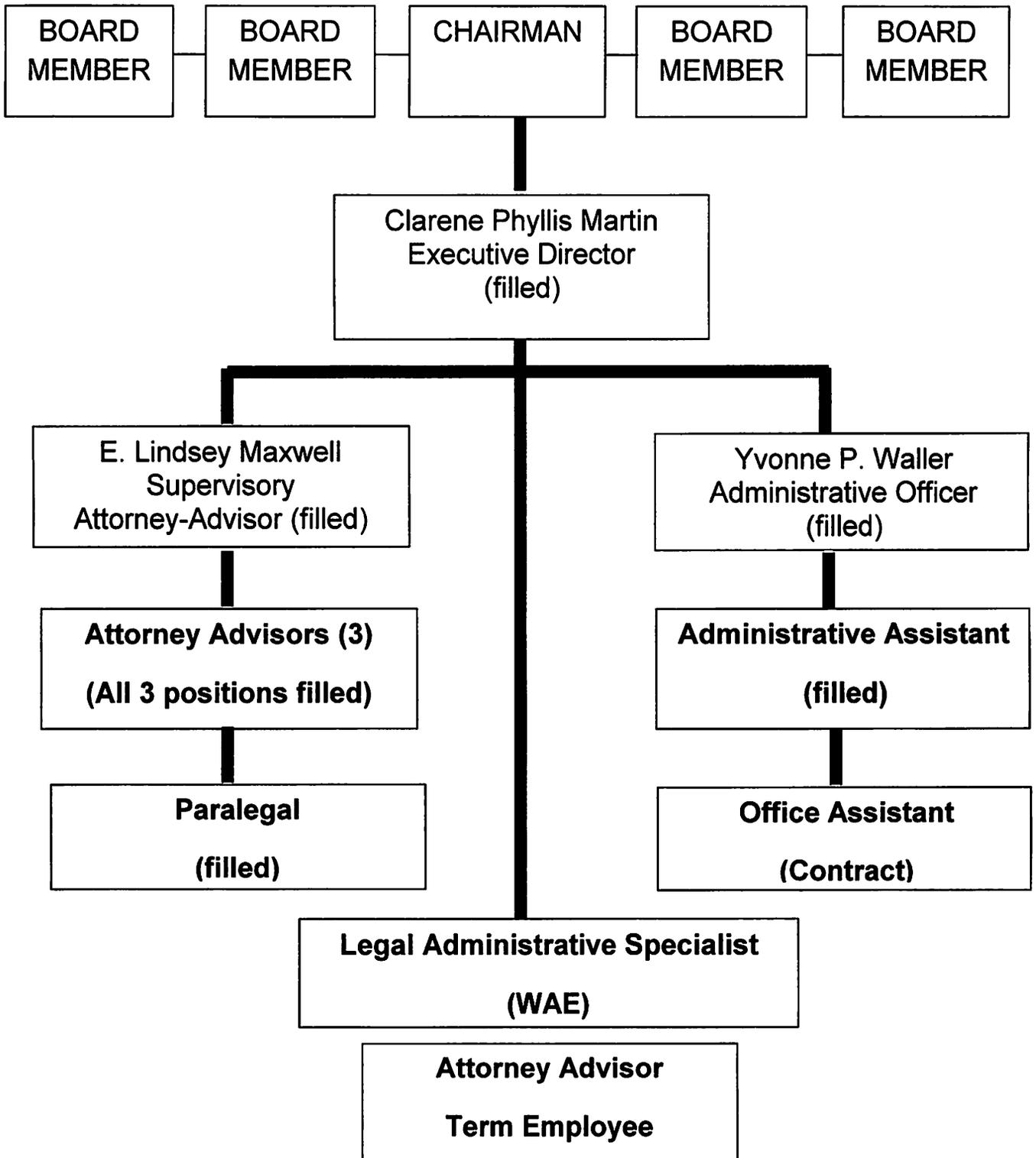
Sincerely,



Clarene Phyllis Martin
Executive Director

ATTACHMENT A

PUBLIC EMPLOYEE RELATIONS BOARD ORGANIZATIONAL CHART



(As of February 11, 2014)

ATTACHMENT B

As of January 26, 2015

Title	Name	Hire Date	Vac Stat	Salary	Fringe	Gross Pay	Department Name	F/P Time	Reg/Temp/Te
EXECUTIVE DIR	Martin,Clarene P	8/6/2007	F	148,529.08	\$ 36,983.74	185,512.82	Public Relations Board	F	Reg
ATTORNEY ADVISOR	McFadden,David S	2/27/2012	F	99,848.00	\$ 24,862.15	124,710.15	Public Relations Board	F	Reg
Administrative Officer	Waller,Yvonne P	11/5/1990	F	96,076.00	\$ 23,922.92	119,998.92	Public Relations Board	F	Reg
ADMINISTRATIVE ASSISTANT	Harrington,Sheryl V	10/6/2014	F	43,216.00	\$ 10,760.78	53,976.78	Public Relations Board	F	Reg
Attorney Advisor	Harmon,Colby J	12/31/2012	F	102,623.00	\$ 25,553.13	128,176.13	Public Relations Board	F	Reg
SUPERVISOR ATTORNEY ADVISOR	Maxwell,Elbert Lindsey	1/11/2015	F	121,269.00	\$ 30,195.98	151,464.98	Public Relations Board	F	Reg
PARALEGAL SPECIALIST	Okonji,Chela R	12/15/2014	F	58,180.00	\$ 14,486.82	72,666.82	Public Relations Board	F	Reg
ATTORNEY ADVISOR	Balkum,Erica J	12/31/2012	F	102,623.00	\$ 25,553.13	128,176.13	Public Relations Board	F	Reg
LEGAL ADMINISTRATIVE SPECIALIST	Cox,Margaret P	7/1/2014	F	78,643.20	\$ 19,582.16	98,225.36	Public Relations Board	P	Temp
LAW CLERK			V	53,004.00	\$ 13,198.00	66,202.00	Public Relations Board	F	Reg

FY 2016 PROGRAM ENHANCEMENT - FORM B
Agency Program Enhancement Request Details

Agency Code: GC0

Agency Title: Public Employee Relations Board

Date: January 26, 2015

Agency point of contact: Clarene Phyllis Martin

Tel: 727-5403



Enhancement Title: Training

Total Amount of Local Funds: \$25,000

Program Title (Code): 2001

Activity Title (Code): 2001

Hierarchy of Needs Priority Level: PL1

FTEs: 0

Is this enhancement a one-time cost? Yes

Problem Statement

The Council has requested PERB to conduct management/labor training.

Proposed Solution

Conduct training sessions at least once a month with management and labor on various labor topics.

Cost-Benefit Analysis

This training teaches management and labor how to related to each other in a union setting with the anticipation of more harmonious communications between the two leading to more productive outcomes.

OBP Assessment

FY 2016 PROGRAM ENHANCEMENT - FORM B
Agency Program Enhancement Request Details

Agency Code: GC0

Agency Title: Public Employee Relations Board

Date: January 26, 2015

Agency point of contact: Clarene Phyllis Martin

Tel: 727-5403



Enhancement Title: Outside Counsel Funding

Total Amount of Local Funds: \$100,000

Program Title (Code): 2001

Activity Title (Code): 2001

Hierarchy of Needs Priority Level: PL2

FTEs: 0

Is this enhancement a one-time cost? No

Problem Statement

As PERB has refocused personnel resources to tackle the back log, it has transferred defense of Court challenged decisions to an out-side counsel. There is a potential shortfall in the funding group covering this expenditure.

Proposed Solution

Additional funds are required

Cost-Benefit Analysis

High rate of affirmed decisions

OBP Assessment



FY 2015 PERFORMANCE PLAN Public Employee Relations Board

MISSION

The District of Columbia Public Employee Relations Board (hereafter, “PERB”) is an impartial, quasi-judicial, independent agency empowered with the exclusive jurisdiction to resolve labor-management disputes between agencies of the District government, its labor organizations representing employees of the various District government agencies and employees covered by the Comprehensive Merit Personnel Act.

SUMMARY OF SERVICES

PERB determines appropriate compensation and non-compensation bargaining –units; certifies, decertifies, amends, clarifies and modifies labor organizations as exclusive bargaining representatives; facilitates and reviews election procedures and results concerning the selection of labor organizations as the exclusive bargaining representative; investigates and adjudicates unfair labor practices and standards of conduct complaints; reviews appeals of grievance arbitration awards; determines impasse status of collective bargaining between District government agencies and District government employee unions; facilitates Impasse arbitration bargaining between District government agencies and District government employee unions; determines negotiability of proposals submitted during collective bargaining contract negotiations between District government agencies and District government employee unions; mediates disputes submitted to PERB; issues subpoenas and conducts hearings; and adopts rules and regulations for conducting PERB business.

PERFORMANCE PLAN DIVISIONS

- Agency Management
- Adjudication¹

AGENCY WORKLOAD MEASURES

Measures	FY 2012 Actual	FY 2013 Actual	FY 2014 YTD ²
Number of cases filed	66	72	42
Number of hearings conducted	9	8	11
Number of mediations conducted	5	23	18 ³
Number of cases closed ⁴	75	123	84
Number of active cases	357	199	203
Number of cases published	162	123	37
Number of cases appealed to D.C. Superior Court	5	12	8
Number of cases remanded or reversed ⁵	NA	NA	NA
Number of cases appealed to D.C. Court of Appeals	0	2	1
Number of workshops or lectures ⁶	NA	NA	NA
Number of meet and greet gatherings ⁷	NA	NA	NA

¹ For the purposes of the FY15 Performance Plan, the (1000) Agency Management Division is included with the (2000) Adjudication Division to more accurately reflect the significant overlap of operations.

² Data is current as of June 30, 2014.

³ In-house only

⁴ Wording changed for clarity.

⁵ This is a new measure so historical data is not currently available.

⁶ This is a new measure so historical data is not currently available.



*Adjudication*⁸

SUMMARY OF SERVICES

Adjudication provides assistance in resolving labor management disputes between the District government and labor organizations representing employees of various District government agencies. The program contains the following 3 activities:

- Legal Support - provides assistance in resolving labor management disputes between the District government and labor organizations representing employees of various District agencies;
- Public Employee Relations Board - through Board meetings, provides final resolution of labor management disputes between the District government and labor organizations representing employees of various District government agencies; and
- Court Appeals and Enforcement - defends appeals filed by an aggrieved party. Also, if the PERB's order is reversed by the District of Columbia Superior Court, the PERB may file an appeal with the District of Columbia Court of Appeals.

OBJECTIVE 1: Efficiently resolves labor management disputes between District agencies and labor organizations.

INITIATIVE 1.1: Reduce the number of unresolved cases.

Since 2008, unresolved cases have accumulated for reasons including the lack of a Board quorum needed for decision making; staff shortages; lengthy mediations; and lack of funding to conduct the number of hearings to keep pace with the number of cases filed. This fiscal year, within the constraints of its budget, PERB will continue to increase the number of hearings held and, when possible, consolidate cases for hearings for the efficient use of time and resources. **Completion Date: September 2015.**

INITIATIVE 1.2: Integrate the electronic case filing system with the electronic case management system.

In April 2012, PERB adopted and implemented the policy requiring the electronic filing of new cases. In FY14, PERB acquired and installed an electronic case management system to maximize the use of technology and enable work enhancements that streamline PERB's case management process. PERB will work to integrate the electronic filing system with the electronic case management system to create a consistent and comprehensive management and tracking of cases filed, decided and issued by PERB. **Completion date: September, 2015.**

⁷ This is a new measure so historical data is not currently available.

⁸ For the purposes of the FY15 Performance Plan, the (1000) Agency Management Division is included with the (2000) Adjudication Division to more accurately reflect the significant overlap of operations



OBJECTIVE 2: Maintain and/or increase the number of matters that are settled through mandatory mediation program.

INITIATIVE 2.1: Identify newly filed cases for mandatory mediation.

PERB adopted mandatory mediation rules in January 2012. The purpose of this program is to allow parties the opportunity to reach a settlement of both specific cases and multiple cases concerning similar issues. In FY14, PERB staff will evaluate each newly-filed case for mediation, paying particular attention to the potential for “issues based” grouping of cases to mediate. **Completion Date: September 2015**

OBJECTIVE 3: Maintain a high rate of success concerning matters that are appealed to either the D.C. Superior Court or the D.C. Court of Appeals.

INITIATIVE 3.1: In FY14, PERB transferred responsibility for cases appealed to the D.C Superior Court or the D.C. Court of Appeals to outside counsel following a slight upswing in remands and reversals. In FY15, outside counsel will continue to achieve the high rate of success as in previous years. PERB has temporarily employed an analyst to review and evaluate the manner in which decisions are drafted and to ensure that PERB decisions are drafted with the optimum effect and clarity to withstand appellate scrutiny. **Completion date: September, 2015.**

OBJECTIVE 4: Continue to review PERB’s rules in order to determine if PERB needs to amend its rules or promulgate new rules.

INITIATIVE 4.1: Amend rules to achieve consistency with statutory mandates.

The Board will revise its rules to improve the agency’s efficiency and delivery of services. Specifically, PERB is currently reviewing possible rule revisions including rules related to e-service, *pro se* filing requirements, filing deadlines in representation cases and to correct inconsistent provisions and misstated references to the D.C. Official Code. Revisions to PERB rules will clarify agency procedures and give the public a greater understanding and easier access to the PERB process.

Completion Date: September 2015.

OBJECTIVE 5: Assist District government agencies and unions representing District government employees enhanced skills needed for successful and productive labor/management relations.⁹

INITIATIVE 5.1: Conduct labor/management workshops and lectures as a resource for education and assistance in the collective bargaining and contract administration process.

Many cases filed with PERB share common themes that could have been resolved prior to the complaint stage if the representatives were more familiar with contract administration and grievance handling. The training will familiarize representatives with Weingarten rights, duty to bargain, interference and discrimination, information requests under the statute and timeliness. The training should have the effect of reducing the number of complaints filed. **Completion Date: September 2015**

⁹ This is a new objective.



INITIATIVE 5.2: Create an opportunity to bring labor and management together to discuss general labor topics with Board members.

PERB will host an open house for labor and management representatives to commingle in a no adversarial setting and discuss general labor relations issue with themselves and labor experts. This will foster and encourage the development of collegial relationships and with the intended effect of collaborative relationships in general leading to dispute resolution. **Completion Date: September 2015**

KEY PERFORMANCE INDICATORS – Public Employee Relations Board

Measure	FY 2013 Actual	FY 2014 Target	FY 2014 YTD ¹⁰	FY 2015 Projection	FY 2016 Projection	FY 2017 Projection
Percent of cases decided within 120 days of submission to PERB	8.9%	60%	8.23%	12%	12%	12%
Percent of decisions transmitted to the D.C. Register for publication within 60 days of issuance	100%	100%	97.83%	100%	100%	100%
Percent of compensation impasse cases resolved by mediation within 30 days	100%	100%	100%	100%	100%	100%
Percent of compensation impasse cases arbitrated within 45 days	NA	100%	100%	100%	100%	100%
Percent of cases upheld by D.C. Superior Court upon appeal	NA	100%	80%	100%	100%	100%
Percent of cases upheld by the D.C. Court of Appeals upon appeal	NA	100%	NA	100%	100%	100%
Percent of four workshops or lectures conducted	NA	NA	NA	100%	100%	100%
Opportunity for public to meet with Board members and PERB staff	NA	NA	NA	100%	100%	100%

¹⁰ Data is current as of June 30, 2014.