# Q.4-PERB FY2019 Accountability Report

## Public Employee Relations Board FY2019

**Agency** Public Employee Relations Board **Agency Code** CG0 **Fiscal Year** 2019

**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.

**Summary of Services** PERB determines appropriate compensation and non-compensation bargaining units. PERB also 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.

### 2019 Accomplishments

| Accomplishment | Impact on Agency | Impact on Residents |
|---|---|---|
| No accomplishments found | | |

### 2019 Key Performance Indicators

| Measure | Directionality | FY 2017 Actual | FY 2018 Actual | FY 2019 Target | FY 2019 Q1 | FY 2019 Q2 | FY 2019 Q3 | FY 2019 Q4 | FY 2019 Actual | KPI Status | Explanation |
|---|---|---|---|---|---|---|---|---|---|---|---|
| **1 - Resolve cases efficiently to provide stable labor relations in District agencies. (7 Measures)** | | | | | | | | | | | |
| Percent of disposition of Unfair Labor Practice and Standard of Conduct cases by decision and order, withdrawal, dismissal or settlement within 300 days of filing in Fiscal Year | Up is Better | 41.1% | 60.8% | 50% | No applicable incidents | 50% | 83.3% | 57.1% | 63.2% | Met | |
| Percent of disposition of Representation cases in Fiscal Year | Up is Better | 83.3% | 100% | 50% | No applicable incidents | No applicable incidents | No applicable incidents | No applicable incidents | No applicable incidents | | |
| Percent of disposition of Negotiability Appeal cases in Fiscal Year | Up is Better | 66.7% | 150% | 50% | No applicable incidents | No applicable incidents | No applicable incidents | 100% | 100% | Met | |
| Percent of Arbitration Review Requests decided in Fiscal Year | Up is Better | 200% | 73.7% | 50% | No applicable incidents | 100% | 100% | 100% | 100% | Met | |
| Percent of disposition of cases by Board Decision in Fiscal Year | Up is Better | 47.5% | 46.9% | 30% | 54% | 56.3% | 73.3% | 57.1% | 56.6% | Met | |
| Percent of Compensation Negotiation Impasse cases reviewed, mediated, settled or sent to arbitration panel in Fiscal Year | Up is Better | 100% | 75% | 50% | No applicable incidents | No applicable incidents | 100% | 100% | 100% | Met | |
| Percent of Non-Compensation Negotiation Impasse cases resolved in Fiscal Year | Up is Better | 100% | 100% | 50% | No applicable incidents | No applicable incidents | No applicable incidents | 100% | 100% | Met | |
| **2 - Assist parties to reach mutually agreed resolutions of labor disputes to promote harmony between unions and District agencies (2 Measures)** | | | | | | | | | | | |

# Q.4-PERB FY2019 Accountability Report

| Measure | Directionality | FY 2017 Actual | FY 2018 Actual | FY 2019 Target | FY 2019 Q1 | FY 2019 Q2 | FY 2019 Q3 | FY 2019 Q4 | FY 2019 Actual | KPI Status | Explanation |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Percent of cases settled in mediation in Fiscal Year | Up is Better | 25.7% | 18.9% | 10% | Annual Measure | Annual Measure | Annual Measure | Annual Measure | 13% | Met | |
| Percent of Unfair Labor Practice and Standard of Conduct cases sent to mediation within 45 days of the filing of a response in Fiscal Year | Up is Better | 40% | 25.6% | 50% | Annual Measure | Annual Measure | Annual Measure | Annual Measure | 78.9% | Met | |
| **3 - Provide training sessions and resources that promote better understanding and knowledge of labor relations and various responsibilities to District government managers and union representatives. (1 Measure)** | | | | | | | | | | | |
| Percent of training, outreach and facilitation activities conducted in Fiscal Year | Up is Better | 100% | 100% | 25% | Annual Measure | Annual Measure | Annual Measure | Annual Measure | 100% | Met | |

## 2019 Workload Measures

| Measure | FY 2017 Actual | FY 2018 Actual | FY 2019 Q1 | FY 2019 Q2 | FY 2019 Q3 | FY 2019 Q4 | FY 2019 Actual |
|---|---|---|---|---|---|---|---|
| **1 - Conduct Hearings (2 Measures)** | | | | | | | |
| Number of Unfair Labor Practice and Standard of Conduct hearings scheduled within 30 days after mediation in Fiscal Year | 14 | 10 | 7 | 2 | 2 | 2 | 13 |
| Number of Unfair Labor Practice and Standard of Conduct Cases filed in Fiscal Year | 35 | 39 | 5 | 2 | 8 | 8 | 23 |
| **1 - Decisions and Orders (22 Measures)** | | | | | | | |
| Number of total cases filed with PERB in Fiscal Year | 65 | 81 | 9 | 10 | 15 | 17 | 51 |
| Number of total cases closed in Fiscal Year | 99 | 96 | 11 | 16 | 17 | 14 | 58 |
| Number of Arbitration Review Requests filed with PERB in Fiscal Year | 11 | 19 | 1 | 5 | 3 | 2 | 11 |
| Number of Arbitration Review Requests resolved within 120 days of filing in Fiscal Year | 9 | 5 | No applicable incidents | 1 | 4 | 2 | 7 |
| Number of Unfair Labor Practice and Standard of Conduct cases resolved within 300 days of filing in Fiscal Year | 19 | 31 | No applicable incidents | 3 | 5 | 5 | 13 |
| Number of Unfair Labor Practice and Standard of Conduct cases closed in Fiscal Year | 56 | 51 | 9 | 6 | 6 | 5 | 26 |
| Number of FY10-FY19 Unfair Labor and Standard of Conduct cases resolved | 44 | 47 | 9 | 6 | 7 | 7 | 29 |
| Number of FY10-FY19 Unfair Labor and Standard of Conduct cases open | 33 | 15 | Annual Measure | Annual Measure | Annual Measure | Annual Measure | 20 |
| Number of Representation cases filed with PERB in Fiscal Year | 6 | 7 | 0 | No applicable incidents | No applicable incidents | 2 | 2 |
| Number of Representation cases closed in Fiscal Year | 5 | 7 | 1 | 1 | No applicable incidents | 0 | 2 |
| Number of Representation cases resolved through withdrawal, election, or issuance of decision and order within 240 days of the filing date in Fiscal Year | Waiting on Data | Waiting on Data | Annual Measure | Annual Measure | Annual Measure | Annual Measure | Waiting on Data |
| Number of Negotiability cases filed with PERB in Fiscal Year | 6 | 6 | 0 | No applicable incidents | No applicable incidents | 1 | 1 |
| Number of Negotiability cases closed in Fiscal Year | 4 | 9 | 2 | No applicable incidents | 1 | 1 | 4 |

# Q.4-PERB FY2019 Accountability Report

| Measure | FY 2017 Actual | FY 2018 Actual | FY 2019 Q1 | FY 2019 Q2 | FY 2019 Q3 | FY 2019 Q4 | FY 2019 Actual |
|---|---|---|---|---|---|---|---|
| Number of Negotiability cases resolved within 120 days of the filing date in Fiscal Year | 1 | 5 | 0 | No applicable incidents | 0 | 1 | 1 |
| Number of Non-Compensation Negotiation Impasse cases filed with PERB in Fiscal Year | 1 | 1 | Annual Measure | Annual Measure | Annual Measure | Annual Measure | 2 |
| Number of Non-Compensation Negotiation Impasse cases closed in Fiscal Year | 2 | 1 | 0 | No applicable incidents | No applicable incidents | 1 | 1 |
| Number of Non-Compensation Negotiation Impasse cases resolved within 240 days of notice filing in Fiscal Year | 1 | 3 | 0 | No applicable incidents | No applicable incidents | 1 | 1 |
| Number of Compensation Negotiation Impasse cases filed with PERB in Fiscal Year | 2 | 4 | Annual Measure | Annual Measure | Annual Measure | Annual Measure | 1 |
| Number of Compensation Negotiation Impasse cases closed in Fiscal Year | 2 | 3 | Annual Measure | Annual Measure | Annual Measure | Annual Measure | 1 |
| Number of Compensation Negotiation Impasse cases resolved within 240 days of notice filing in Fiscal Year | 2 | 3 | 0 | No applicable incidents | No applicable incidents | 1 | 1 |
| Number of cases that held a hearing in Fiscal Year | 15 | 8 | 7 | 2 | 2 | 1 | 12 |
| Number of days from the conclusion of hearing to Board Decision in Fiscal Year | New in 2019 | New in 2019 | Annual Measure | Annual Measure | Annual Measure | Annual Measure | 184.6 |
| **2 - Mediation (3 Measures)** | | | | | | | |
| Number of cases Settled/Withdrawn in mediation | 13 | 8 | 1 | No applicable incidents | 1 | 2 | 4 |
| Number of meditations held within 45 days of filing date in Fiscal Year | 14 | 10 | Annual Measure | Annual Measure | Annual Measure | Annual Measure | 15 |
| Number of cases sent to mediation in Fiscal Year | 35 | 37 | Annual Measure | Annual Measure | Annual Measure | Annual Measure | 23 |
| **3 - PERB Labor Relations Institute (2 Measures)** | | | | | | | |
| Number of completed Second Tuesdays at PERB-Employee Training | 8 | 8 | 0 | 3 | 3 | 2 | 8 |
| Number of participants who completed training, outreach and facilitation activities | 192 | 176 | Annual Measure | Annual Measure | Annual Measure | Annual Measure | 253 |

## 2020 Operations

| Operations Header | Operations Title | Operations Description | Type of Operations |
|---|---|---|---|
| **1 - Resolve cases efficiently to provide stable labor relations in District agencies. (4 Activities)** | | | |
| PERFORMANCE MANAGEMENT | Decisions and Orders | Drafting opinions for Board approval | Daily Service |
| LEGAL SUPPORT | Conduct Hearings | Conduct Hearings before a Hearing Examiner to gather facts for determining whether an Unfair Labor Practice has been committed | Daily Service |
| INFORMATION TECHNOLOGY | Information Technology | PERB will start the process of creating a free e-filing system for parties to improve the filing and handling process of cases. | Daily Service |
| INFORMATION TECHNOLOGY | Information Technology | PERB will seek to modernize the Information Technology Infrastructure of the office. | Key Project |
| **2 - Assist parties to reach mutually agreed resolutions of labor disputes to promote harmony between unions and District agencies (1 Activity)** | | | |
| LEGAL SUPPORT | Mediation | Dispute resolution that may reduce time and cost traditionally associated with these disputes and identify mutually agreeable solutions | Daily Service |
| **3 - Provide training sessions and resources that promote better understanding and knowledge of labor relations and various responsibilities to District government managers and union representatives. (3 Activities)** | | | |
| AGENCY TRAINING | PERB Labor Relations Institute | The format to facilitate teaching labor relations to D.C. government managers labor relations specialists and union representative of D.C. government employees | Key Project |
| PUBLIC EMPLOYEE RELATIONS BOARD | Training Center | PERB will create an in-house training center to further promote better understanding of labor relations and responsibilities to DC government managers and union representatives. | Key Project |
| Training | Trainings | PERB will provide training sessions to promote better understanding and knowledge of labor relations and responsibilities to DC government managers and union representatives. | Daily Service |

# Q.4-PERB FY2019 Accountability Report

## 2019 Strategic Initiatives

| Strategic Initiative Title | Strategic Initiative Description | Completion to Date | Status Update | Explanation for Incomplete Initiative |
|---|---|---|---|---|
| **Information Technology (2 Strategic initiatives)** | | | | |
| Information Technology | In Fiscal Year 19, PERB will seek to modernize its Information Technology infrastructure through upgrading and/or replacing technological equipment including but not limited to computers, laptops, tables, telephones, servers, routes, data storage, and other communication devices. | 75-99% | PERB continues to upgrade technological software and tools. We have recently upgraded all the printers in the office. | |
| E-Filing System | In Fiscal Year 19, PERB will seek to start the process of developing an e-filing system with the help of OCTO. This new system will eliminate the filing cost of our current filing system. PERB will work alongside OCTO in the various steps of the creation, budgeting, and planning for this new e-filing system which is set to be finalized by the end of Fiscal Year 2020. | 0-24% | OCTO met with PERB and discussed particulars and has provided a quote. PERB is submitting the quote as an enhancement as part of the FY'2021 budget. Projected completion, if funded, is September 30, 2021. | Planning was not completer. |
| **Training Center (1 Strategic Initiative)** | | | | |
| Construction | In Fiscal Year 19, PERB will seek to assemble an in-house training center to offer more training sessions and more training topics in regard to DC labor relation laws and practices. PERB will undergo office construction to create the in-house training center, this is set to be finalized by the end of Fiscal Year 2020. | 0-24% | No construction was needed. Carpeted platform and Judge's bench were removed. Training tables and chairs will be added in December 2019. In addition to a Smart Board. | Personnel changes, |
| **Trainings (2 Strategic initiatives)** | | | | |
| Educational Resource | In Fiscal Year 19, PERB will provide eight 2nd Tuesday at PERB training sessions on eight different labor relations topics. These trainings will be offered to District Government Managers, Union Representatives, and other DC employees to improve the city-wide knowledge of labor relation laws and practices. | Complete | PERB completed the initiative. | |
| Educational Resource | In Fiscal Year 19, PERB will provide at least two agency specific training sessions to provide labor relations training to all managers in a specific agency. | Complete | PERB held five agency specific training sessions with managers of two different agencies. | |

# Public Employee Relations Board FY2020

**Agency** Public Employee Relations Board **Agency Code** CG0 **Fiscal Year** 2020

**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.

## Strategic Objectives

| Objective Number | Strategic Objective |
|---|---|
| 1 | Resolve cases efficiently to provide stable labor relations in District agencies. |
| 2 | Assist parties in reaching mutually agreed resolutions of disputes |
| 3 | Provide labor-management training |
| 4 | Maintain a system to allow the public to have access to all decisions rendered by PERB |

## Key Performance Indicators

| Measure | Directionality | FY 2017 Actual | FY 2018 Actual | FY 2019 Actual | FY 2020 Target |
|---|---|---|---|---|---|
| **1 - Resolve cases efficiently to provide stable labor relations in District agencies. (3 Measures)** | | | | | |
| Percent of cases requiring a hearing that are resolved within 300 days | Up is Better | 100% | 64.9% | 63.2% | 50% |
| Percent of cases not requiring a hearing that are resolved within 120 days | Up is Better | New in 2020 | New in 2020 | New in 2020 | New in 2020 |
| Percent of cases referred to the Board with a Decision within 120 days | Up is Better | New in 2020 | New in 2020 | New in 2020 | New in 2020 |
| **2 - Assist parties in reaching mutually agreed resolutions of disputes (2 Measures)** | | | | | |
| Number of mediations conducted | Up is Better | New in 2020 | New in 2020 | New in 2020 | New in 2020 |
| Number of settlements resulting from mediation | Up is Better | New in 2020 | New in 2020 | New in 2020 | New in 2020 |
| **3 - Provide labor-management training (1 Measure)** | | | | | |
| Number of training sessions conducted | Up is Better | New in 2020 | New in 2020 | New in 2020 | New in 2020 |
| **4 - Maintain a system to allow the public to have access to all decisions rendered by PERB (2 Measures)** | | | | | |
| Percent of decisions uploaded to PERB's website within 60 days | Up is Better | New in 2020 | New in 2020 | New in 2020 | New in 2020 |
| Percent of Board decisions published in the D.C Register within 60 days of issuance | Up is Better | New in 2020 | New in 2020 | New in 2020 | New in 2020 |

## Operations

| Operations Header | Operations Title | Operations Description | Type of Operations |
|---|---|---|---|
| **1 - Resolve cases efficiently to provide stable labor relations in District agencies. (2 Activities)** | | | |
| PERFORMANCE MANAGEMENT | Decisions and Orders | Drafting opinions for Board approval. | Daily Service |

| Operations Header | Operations Title | Operations Description | Type of Operations |
|---|---|---|---|
| INFORMATION TECHNOLOGY | Information Technology | PERB will seek to modernize the Information Technology Infrastructure of the office. | Key Project |
| **2 - Assist parties in reaching mutually agreed resolutions of disputes (1 Activity)** | | | |
| LEGAL SUPPORT | Mediation | Dispute resolution that may reduce time and cost traditionally associated with these disputes and identify mutually agreeable solutions. | Daily Service |
| **3 - Provide labor-management training (2 Activities)** | | | |
| PUBLIC EMPLOYEE RELATIONS BOARD | Training Center | PERB will create an in-house training center to further promote better understanding of labor relations and responsibilities to DC government managers and union representatives. | Key Project |
| Training | Trainings | PERB will provide training sessions to promote better understanding and knowledge of labor relations and responsibilities to DC government managers and union representatives. | Daily Service |
| **4 - Maintain a system to allow the public to have access to all decisions rendered by PERB (1 Activity)** | | | |
| Information Distribution | Publishing | PERB will publish Decisions and Orders in a timely fashion for public distribution. | Daily Service |

## Workload Measures

| Measure | FY 2017 Actual | FY 2018 Actual | FY 2019 Actual |
|---|---|---|---|
| **1 - PERFORMANCE MANAGEMENT (12 Measures)** | | | |
| Number of total cases closed in Fiscal Year | 99 | 96 | 58 |
| Number of total cases filed with PERB in Fiscal Year | 65 | 81 | 51 |
| Number of Arbitration Review Requests filed with PERB in Fiscal Year | 11 | 19 | 11 |
| Number of cases that held a hearing in Fiscal Year | 15 | 8 | 12 |
| Number of Representation cases filed with PERB in Fiscal Year | 6 | 7 | 2 |
| Number of Negotiability cases filed with PERB in Fiscal Year | 6 | 6 | 1 |
| Number of Non-Compensation Negotiation Impasse cases filed with PERB in Fiscal Year | 1 | 1 | 2 |
| Number of Compensation Negotiation Impasse cases filed with PERB in Fiscal Year | 2 | 4 | 1 |
| Number of Unfair Labor Practice Complaints filed in Fiscal Year | New in 2020 | New in 2020 | New in 2020 |
| Number of Standards of Conduct Complaints filed in Fiscal Year | New in 2020 | New in 2020 | New in 2020 |
| Number of Enforcement Petitions filed in Fiscal Year | New in 2020 | New in 2020 | New in 2020 |
| Number of motions for reconsideration of Board decisions filed | New in 2020 | New in 2020 | New in 2020 |
| **3 - Training (1 Measure)** | | | |
| Number of participants who completed training, outreach and facilitation activities | 192 | 176 | 253 |
| **4 - *(empty)* (2 Measures)** | | | |
| Number of cases uploaded to PERB's website | New in 2020 | New in 2020 | New in 2020 |
| Number of cases published in the D.C. Register | New in 2020 | New in 2020 | New in 2020 |

## Strategic Initiatives

| Strategic Initiative Title | Strategic Initiative Description | Proposed Completion Date |
|---|---|---|
| No strategic initiatives found | | |

# Number of settlements resulting from mediation

Do NOT press Save and Add Another because it may not save your work. Press Save.

## Performance Plan

**Agency Acronym** PERB

**Fiscal Year** 2020

**Performance Plan**

**Performance Plan** Public Employee Relations Board FY2020

To return to your Performance Plan, select the Performance Plan text above that is underlined and in blue.

## FY16 or FY17 Objective

| Objective Number | Objective Title | Objective Description |
|---|---|---|
| 2 | Assist parties in reaching mutually agreed resolutions of disputes | |

## FY17 Operations

| Operations Header | Operations Title | Type of Operations |
|---|---|---|

## Measure Description

✔ **New Measure/ Benchmark Year**

Please select 4 measures to be displayed in the Priorities website. If 4 measures aren't selected, OPM will select on your behalf. Please ensure measures selected have historical data, at least to FY2015.

**Feature in Priorities Website?**

**Not all fields are required at this time. Please fill out as much as you can and expect to fill out the rest later. (Required: Measure, KPI/Workload, Frequency, Numerator, Units, Data Type, Measure Type, Directionality, Current Fiscal Year Target) If you do not know the information for required fields enter a placeholder like "000" or "xxx".)**

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| **Measure** | Number of settlements resulting from mediation | **KPI/Workload** | Key Performance Indicator | **Frequency of Reporting** | Annually | | |
| **Measure Explanation** | | | | | | | |
| **Numerator Title** | Number of settlements resulting from mediation | **Denominator Title (if applicable)** | | **Format** | | **Y Axis Range** | |
| **Units** | Settlements resulting from mediation | **Data Type** | Raw Number | **Measure Type** | Outcome | **Directionality** | Up is Better |
| **Long-Term Target** | Neutral | | | | | | |
| | ☐ **Is this a standard industry measure?** | **How did you choose this target?** | | | | | |
| **Series Primary** | | **Series Target** | | | | | |
| **Series Subset** | | **Series Comparison** | | | | | |
| **Measure Comments** | | | | | | | |

☐ **Preliminary**

# Number of training sessions conducted

Do NOT press Save and Add Another because it may not save your work. Press Save.

## Performance Plan

**Agency Acronym** PERB

**Fiscal Year** 2020

**Performance Plan**

**Performance Plan** Public Employee Relations Board FY2020

To return to your Performance Plan, select the Performance Plan text above that is underlined and in blue.

## FY16 or FY17 Objective

**Objective Number** 3 **Objective Title** Provide labor-management training **Objective Description**

## FY17 Operations

**Operations Header** **Operations Title** **Type of Operations**

## Measure Description

✔ **New Measure/ Benchmark Year**

Please select 4 measures to be displayed in the Priorities website. If 4 measures aren't selected, OPM will select on your behalf. Please ensure measures selected have historical data, at least to FY2015.

**Feature in Priorities Website?**

**Not all fields are required at this time. Please fill out as much as you can and expect to fill out the rest later. (Required: Measure, KPI/Workload, Frequency, Numerator, Units, Data Type, Measure Type, Directionality, Current Fiscal Year Target) If you do not know the information for required fields enter a placeholder like "000" or "xxx".)**

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| **Measure** | Number of training sessions conducted | **KPI/Workload** | Key Performance Indicator | **Frequency of Reporting** | Annually | | |
| **Measure Explanation** | | | | | | | |
| **Numerator Title** | Number of training sessions conducted | **Denominator Title (if applicable)** | | **Format** | | **Y Axis Range** | |
| **Units** | Training sessions conducted | **Data Type** | Raw Number | **Measure Type** | Output | **Directionality** | Up is Better |
| **Long-Term Target** | Neutral | | | | | | |
| | ☐ **Is this a standard industry measure?** | **How did you choose this target?** | | | | | |
| **Series Primary** | | **Series Target** | | | | | |
| **Series Subset** | | **Series Comparison** | | | | | |
| **Measure Comments** | | | | | | | |
| | ☐ **Preliminary Values?** | | | | | | |

# Percent of decisions uploaded to PERB's website within 60 days

Do NOT press Save and Add Another because it may not save your work. Press Save.

## Performance Plan

**Agency Acronym** PERB

**Fiscal Year** 2020

**Performance Plan**

**Performance Plan** Public Employee Relations Board FY2020

To return to your Performance Plan, select the Performance Plan text above that is underlined and in blue.

## FY16 or FY17 Objective

**Objective Number** 4 **Objective Title** Maintain a system to allow the public to have access to all decisions rendered by PERB **Objective Description**

## FY17 Operations

**Operations Header** **Operations Title** **Type of Operations**

## Measure Description

✔ **New Measure/ Benchmark Year**

Please select 4 measures to be displayed in the Priorities website. If 4 measures aren't selected, OPM will select on your behalf. Please ensure measures selected have historical data, at least to FY2015.

**Feature in Priorities Website?**

**Not all fields are required at this time. Please fill out as much as you can and expect to fill out the rest later. (Required: Measure, KPI/Workload, Frequency, Numerator, Units, Data Type, Measure Type, Directionality, Current Fiscal Year Target) If you do not know the information for required fields enter a placeholder like "000" or "xxx".)**

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| **Measure** | Percent of decisions uploaded to PERB's website within 60 days | **KPI/Workload** | Key Performance Indicator | **Frequency of Reporting** | Annually | | |
| **Measure Explanation** | | | | | | | |
| **Numerator Title** | Number of decisions uploaded to PERB's website within 60 days | **Denominator Title (if applicable)** | Number of cases uploaded to PERB's website | **Format** | | **Y Axis Range** | |
| **Units** | Decisions uploaded to PERB's website within 60 days | **Data Type** | Percentage | **Measure Type** | Output | **Directionality** | Up is Better |
| **Long-Term Target** | 100% | | | | | | |
| | **Is this a standard industry measure?** | **How did you choose this target?** | | | | | |
| **Series Primary** | | **Series Target** | | | | | |
| **Series Subset** | | **Series Comparison** | | | | | |
| **Measure** | | | | | | | |

# Percent of Board decisions published in the D.C Register within 60 days of issuance

Do NOT press Save and Add Another because it may not save your work. Press Save.

## Performance Plan

**Agency Acronym** PERB

**Fiscal Year** 2020

**Performance Plan**

**Performance Plan** Public Employee Relations Board FY2020

To return to your Performance Plan, select the Performance Plan text above that is underlined and in blue.

## FY16 or FY17 Objective

| Objective Number | Objective Title | Objective Description |
|---|---|---|
| 4 | Maintain a system to allow the public to have access to all decisions rendered by PERB | |

## FY17 Operations

| Operations Header | Operations Title | Type of Operations |
|---|---|---|

## Measure Description

✔ **New Measure/ Benchmark Year**

Please select 4 measures to be displayed in the Priorities website. If 4 measures aren't selected, OPM will select on your behalf. Please ensure measures selected have historical data, at least to FY2015.

**Feature in Priorities Website?**

**Not all fields are required at this time. Please fill out as much as you can and expect to fill out the rest later. (Required: Measure, KPI/Workload, Frequency, Numerator, Units, Data Type, Measure Type, Directionality, Current Fiscal Year Target) If you do not know the information for required fields enter a placeholder like "000" or "xxx".)**

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| **Measure** | Percent of Board decisions published in the D.C Register within 60 days of issuance | **KPI/Workload** | Key Performance Indicator | **Frequency of Reporting** | Annually | | |
| **Measure Explanation** | | | | | | | |
| **Numerator Title** | Number of Board decisions published in the D.C Register within 60 days of issuance | **Denominator Title (if applicable)** | Number of Board decisions published in the D.C Register after issuance | **Format** | | **Y Axis Range** | |
| **Units** | Number of published Board decisions | **Data Type** | Percentage | **Measure Type** | Output | **Directionality** | Up is Better |
| **Long-Term Target** | 100% | | | | | | |
| | **Is this a standard industry measure?** | **How did you choose this target?** | | | | | |
| **Series Primary** | | **Series Target** | | | | | |
| **Series Subset** | | **Series Comparison** | | | | | |

# Number of mediations conducted

Do NOT press Save and Add Another because it may not save your work. Press Save.

## Performance Plan

**Agency Acronym** PERB

**Fiscal Year** 2020

**Performance Plan**

**Performance Plan** Public Employee Relations Board FY2020

To return to your Performance Plan, select the Performance Plan text above that is underlined and in blue.

## FY16 or FY17 Objective

| Objective Number | Objective Title | Objective Description |
|---|---|---|
| 2 | Assist parties in reaching mutually agreed resolutions of disputes | |

## FY17 Operations

| Operations Header | Operations Title | Type of Operations |
|---|---|---|
| | | |

## Measure Description

✔ **New Measure/ Benchmark Year**

Please select 4 measures to be displayed in the Priorities website. If 4 measures aren't selected, OPM will select on your behalf. Please ensure measures selected have historical data, at least to FY2015.

**Feature in Priorities Website?**

**Not all fields are required at this time. Please fill out as much as you can and expect to fill out the rest later. (Required: Measure, KPI/Workload, Frequency, Numerator, Units, Data Type, Measure Type, Directionality, Current Fiscal Year Target) If you do not know the information for required fields enter a placeholder like "000" or "xxx".)**

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| **Measure** | Number of mediations conducted | **KPI/Workload** | Key Performance Indicator | **Frequency of Reporting** | Annually | | |
| **Measure Explanation** | | | | | | | |
| **Numerator Title** | Number of mediations conducted | **Denominator Title (if applicable)** | | **Format** | | **Y Axis Range** | |
| **Units** | Number of mediations conducted | **Data Type** | Raw Number | **Measure Type** | Output | **Directionality** | Up is Better |
| **Long-Term Target** | Neutral | | | | | | |
| | ☐ **Is this a standard industry measure?** | **How did you choose this target?** | | | | | |
| **Series Primary** | | **Series Target** | | | | | |
| **Series Subset** | | **Series Comparison** | | | | | |
| **Measure Comments** | | | | | | | |

# Q.5 PERB FY2020 Performance Plan

## Percent of cases referred to the Board with a Decision within 120 days

Do NOT press Save and Add Another because it may not save your work. Press Save.

### Performance Plan

**Agency Acronym** PERB

**Fiscal Year** 2020

**Performance Plan**

**Performance Plan** Public Employee Relations Board FY2020

To return to your Performance Plan, select the Performance Plan text above that is underlined and in blue.

### FY16 or FY17 Objective

| Objective Number | Objective Title | Objective Description |
|---|---|---|
| 1 | Resolve cases efficiently to provide stable labor relations in District agencies. | |

### FY17 Operations

| Operations Header | Operations Title | Type of Operations |
|---|---|---|

### Measure Description

✔ **New Measure/ Benchmark Year**

Please select 4 measures to be displayed in the Priorities website. If 4 measures aren't selected, OPM will select on your behalf. Please ensure measures selected have historical data, at least to FY2015.

**Feature in Priorities Website?**

**Not all fields are required at this time. Please fill out as much as you can and expect to fill out the rest later. (Required: Measure, KPI/Workload, Frequency, Numerator, Units, Data Type, Measure Type, Directionality, Current Fiscal Year Target) If you do not know the information for required fields enter a placeholder like "000" or "xxx".)**

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| **Measure** | Percent of cases referred to the Board with a Decision within 120 days | **KPI/Workload** | Key Performance Indicator | **Frequency of Reporting** | Annually | | |
| **Measure Explanation** | | | | | | | |
| **Numerator Title** | Number of cases referred to the Board with a Decision within 120 days | **Denominator Title (if applicable)** | Number of cases with an initial Decision by the Board | **Format** | | **Y Axis Range** | |
| **Units** | Cases resolved with a Board decision | **Data Type** | Percentage | **Measure Type** | Output | **Directionality** | Up is Better |
| **Long-Term Target** | 90% | | | | | | |
| | ☐ **Is this a standard industry measure?** | **How did you choose this target?** | | | | | |
| **Series Primary** | | **Series Target** | | | | | |
| **Series Subset** | | **Series Comparison** | | | | | |
| **Measure** | | | | | | | |

# Q.5 PERB FY2020 Performance Plan

## Percent of cases not requiring a hearing that are resolved within 120 days

Do NOT press Save and Add Another because it may not save your work. Press Save.

### Performance Plan

**Agency Acronym** PERB

**Fiscal Year** 2020

**Performance Plan**

**Performance Plan** Public Employee Relations Board FY2020

To return to your Performance Plan, select the Performance Plan text above that is underlined and in blue.

### FY16 or FY17 Objective

| Objective Number | Objective Title | Objective Description |
|---|---|---|
| 1 | Resolve cases efficiently to provide stable labor relations in District agencies. | |

### FY17 Operations

| Operations Header | Operations Title | Type of Operations |
|---|---|---|

### Measure Description

✔ **New Measure/ Benchmark Year**

Please select 4 measures to be displayed in the Priorities website. If 4 measures aren't selected, OPM will select on your behalf. Please ensure measures selected have historical data, at least to FY2015.

**Feature in Priorities Website?**

**Not all fields are required at this time. Please fill out as much as you can and expect to fill out the rest later. (Required: Measure, KPI/Workload, Frequency, Numerator, Units, Data Type, Measure Type, Directionality, Current Fiscal Year Target) If you do not know the information for required fields enter a placeholder like "000" or "xxx".)**

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| **Measure** | Percent of cases not requiring a hearing that are resolved within 120 days | **KPI/Workload** | Key Performance Indicator | **Frequency of Reporting** | Annually | | |
| **Measure Explanation** | | | | | | | |
| **Numerator Title** | Number of cases not requiring a hearing that are resolved within 120 days | **Denominator Title (if applicable)** | Number of cases not requiring a hearing that are resolved | **Format** | | **Y Axis Range** | |
| **Units** | Percent of cases | **Data Type** | Percentage | **Measure Type** | Output | **Directionality** | Up is Better |
| **Long-Term Target** | 75% | | | | | | |
| | **Is this a standard industry measure?** | **How did you choose this target?** | | | | | |
| **Series Primary** | | **Series Target** | | | | | |
| **Series Subset** | | **Series Comparison** | | | | | |
| **Measure** | | | | | | | |

# Percent of cases requiring a hearing that are resolved within 300 days

Do NOT press Save and Add Another because it may not save your work. Press Save.

## Performance Plan

**Agency Acronym** PERB

**Fiscal Year** 2020

**Performance Plan**

**Performance Plan** Public Employee Relations Board FY2020

To return to your Performance Plan, select the Performance Plan text above that is underlined and in blue.

## FY16 or FY17 Objective

| Objective Number | Objective Title | Objective Description |
|---|---|---|
| 1 | Resolve cases efficiently to provide stable labor relations in District agencies. | |

## FY17 Operations

| Operations Header | Operations Title | Type of Operations |
|---|---|---|

## Measure Description

✔ **New Measure/ Benchmark Year**

Please select 4 measures to be displayed in the Priorities website. If 4 measures aren't selected, OPM will select on your behalf. Please ensure measures selected have historical data, at least to FY2015.

**Feature in Priorities Website?**

**Not all fields are required at this time. Please fill out as much as you can and expect to fill out the rest later. (Required: Measure, KPI/Workload, Frequency, Numerator, Units, Data Type, Measure Type, Directionality, Current Fiscal Year Target) If you do not know the information for required fields enter a placeholder like "000" or "xxx".)**

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| **Measure** | Percent of cases requiring a hearing that are resolved within 300 days | **KPI/Workload** | Key Performance Indicator | **Frequency of Reporting** | Annually | | |
| **Measure Explanation** | Reflects our purpose and our mission to process cases efficiently. | | | | | | |
| **Numerator Title** | Number of cases requiring a hearing that are resolved within 300 days of filing | **Denominator Title (if applicable)** | Number of cases closed | **Format** | | **Y Axis Range** | |
| **Units** | Percent of cases | **Data Type** | Percentage | **Measure Type** | Outcome | **Directionality** | Up is Better |
| **Long-Term Target** | 50 | | | | | | |
| | **Is this a standard industry measure?** | **How did you choose this target?** | | | | | |
| **Series Primary** | | **Series Target** | | | | | |
| **Series Subset** | | **Series Comparison** | | | | | |
| **Measure Comments** | | | | | | | |

# Q.9 PERB FY2019 FOIA Report Form

**Agency Name**

**PUBLIC EMPLOYEE RELATIONS BOARD**

**Annual Freedom of Information Act Report for Fiscal Year 2019**

**October 1, 2018 through September 30, 2019**

**FOIA Officer Reporting** **Merlin M. George**

## PROCESSING OF FOIA REQUESTS

1. Number of FOIA requests received during reporting period…….....2.
2. Number of FOIA requests pending on October 1, 2018……..0.
3. Number of FOIA requests pending on September 30, 2019…….0.
4. The average number of days unfilled requests have been pending before each public body as of September 30, 2019 …….0.

## DISPOSITION OF FOIA REQUESTS

5. Number of requests granted, in whole……..1.
6. Number of requests granted, in part, denied, in part…….0.
7. Number of requests denied, in whole……0.
8. Number of requests withdrawn……..0
9. Number of requests referred or forwarded to other public bodies……..0.
10. Other disposition ……..1.

## NUMBER OF REQUESTS THAT RELIED UPON EACH FOIA EXEMPTION

11. Exemption 1 - D.C. Official Code § 2-534(a)(1)…….....0..
12. Exemption 2 - D.C. Official Code § 2-534(a)(2)…….....0
13. Exemption 3 - D.C. Official Code § 2-534(a)(3)
    - Subcategory(A)……0.
    - Subcategory(B)…….……0.
    - Subcategory(C)…….……0.
    - Subcategory (D)…….…....0.
    - Subcategory (E)…….....0.
    - Subcategory (F)……0.
14. Exemption 4 - D.C. Official Code § 2-534(a)(4)……...….0.
15. Exemption 5 - D.C. Official Code § 2-53(a)(5)……..…….....0.

# Q.9 PERB FY2019 FOIA Report Form

16. Exemption 6 - D.C. Official Code § 2-534(a)(6)

    Subcategory(A)…….…….....0

    Subcategory (B)…….0.

17. Exemption 7 - D.C. Official Code § 2534(a)(7)…….....0.

18. Exemption 8 - D.C. Official Code § 2534(a)(8)…….....0.

19. Exemption 9 - D.C. Official Code § 2534(a)(9)…….....0.

20. Exemption 10 - D.C. Official Code § 2534(a)(10)…….....0.

21. Exemption 11 - D.C. Official Code § 2534(a)(11)……..0.

22. Exemption 12 - D.C. Official Code §534(a)(12)……..0.

**TIME-FRAMES FOR PROCESSING FOIA REQUESTS**

23. Number of FOIA requests processed within 15 days……2.

24. Number of FOIA requests processed between 16 and 25 days…….0.

25. Number of FOIA requests processed in 26 days or more……..0.

26. Median number of days to process FOIA Requests…….……13.5

**RESOURCES ALLOCATED TO PROCESSING FOIA REQUESTS**

27. Number of staff hours devoted to processing FOIA requests……6.

28. Total dollar amount expended by public body for processing FOIA requests…….$274.05.

**FEES FOR PROCESSING FOIA REQUESTS**

29. Total amount of fees collected by public body……...……0

**PROSECUTIONS PURSUANT TO SECTION 207(d) OF THE D.C. FOIA**

30. Number of employees found guilty of a misdemeanor for arbitrarily or capriciously violating any provision of the District of Columbia Freedom of Information Act……..….0

**QUALITATIVE DESCRIPTION OR SUMMARY STATEMENT**

Pursuant to section 208(a)(9) of the D.C. FOIA, provide in the space below or as an attachment, "[a] qualitative description or summary statement, and conclusions drawn from the data regarding compliance [with the provisions of the Act]."

In FY 2019, PERB received a total of two FOIA requests and met all statutory requirements for all two requests. This is approximately the average number of requests PERB receive in a year. PERB had no issues with the FOIAExpress system this year and it has been helpful for meeting our goals.

# PERB BUDGET, FY2019 AND FY2020, AS OF JAN. 1, 2020 (Q11)

| | | | FY2019 Approved budget | FY2019 Revised budget | FY2019 Expenditures | FY2019 Difference between Revised budget and Expenditures | Reason for any variation between revised budget and actual expenditures in FY2019 (Narrative) | FY2020 Approved budget | FY2020 Revised budget (as of Jan. 1, 2019) | FY2020 Q1 expenditures |
|---|---|---|---|---|---|---|---|---|---|---|
| Agency Management (1000) | | Total $ | | | | | | | | |
| | | Federal $ | | | | | | | | |
| | | Local $ | $1,508,605 | $1,225,676 | $1,159,942 | $65,734 | PS savings. | $1,321,488 | $1,321,488 | $201,629 |
| | | SPR $ | | | | | | | | |
| | | ID $ | | | | | | | | |
| | Information Technology (1040) | Total $ | $23,146 | $23,146 | $27,383 | -$4,237 | | $23,000 | $23,000 | $5,000 |
| | Performance Management (1090) | Total $ | $381,648 | $221,648 | $198,558 | $23,090 | | $248,000 | $248,000 | $42,693 |
| Adjudication (2000) | | Total $ | | | | | | | | |
| | | Federal $ | | | | | | | | |
| | | Local $ | | | | | | | | |
| | | SPR $ | | | | | | | | |
| | | ID $ | | | | | | | | |
| | Legal Support (2001) | Total $ | $415,655 | $468,526 | $460,302 | $8,224 | | $526,000 | $526,000 | $68,858 |
| | Court Appeals (2002) | Total $ | $672,459 | $492,459 | $453,860 | $38,599 | | $494,000 | $494,000 | $90,074 |
| | Public Employee Relations Board (2003) | Total $ | $15,697 | $19,897 | $19,838 | $59 | | $29,000 | $29,000 | $0 |

## PERB INTERAGENCY MOUS, FY2019 AND FY2020, INCLUDING ANTICIPATED MOUS Q13 (b)

| Buyer agency name | Seller agency name | Seller Program name | Seller Program code | Buyer Activity name | Buyer Activity code | Original funding source (i.e. local, federal, SPR) | Service period (dates) | Description of MOU services, including name of project or initiative | Total MOU amount ($), including any modifications | (Final) Date of signature on letter of intent | Date that funds were transferred to the buyer agency |
|---|---|---|---|---|---|---|---|---|---|---|---|
| PERB | DCHR | Human Resources | | Performace Management | 1090 | Local | 10/18-09/19 | Provide HR services | $ 15,000 | 11/20/2018 | |
| PERB | OCTO | | | Legal Support | 2001 | Local | 10/19-09/20 | Website Services-Case Search Application Services | 3900 | 11/6/2019 | |
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# PERB INTERAGENCY REPROGRAMMINGS, FY2019 AND FY2020 Q15(b)

**Including anticipated reprogrammings for remainder of FY2020**

| Sending agency name | Receiving agency name | Date of execution (actual or expected) | Dollar amount (actual or expected) | Originating funding source (i.e. local, federal, SPR) | Originating funds | | | Received funds | | | Detailed rationale for the reprogramming |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | Program code | Activity code | CSG code | Program code | Activity code | CSG code | |
| CG0 | BA0 | 8/15/2019 | $150,000 | Local | 2002 | 2002 | 0111 | 10900 | 1402 | 0125 | BA0 PS had a deficit and funds balanced out BA0's budget. |
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# PERB INTRA-AGENCY REPROGRAMMINGS, FY2019 AND FY2020 Q16 (b)

**Including anticipated reprogrammings for remainder of FY2020**

| Date of execution (actual or expected) | Dollar amount (actual or expected) | Originating funding source (i.e. local, federal, SPR) | Originating funds | | | Received funds | | | Detailed rationale for the reprogramming |
|---|---|---|---|---|---|---|---|---|---|
| | | | Program code | Activity code | CSG code | Program code | Activity code | CSG code | |
| 9/15/2019 | $140,000 | Local | 1090 | 1090 | 0111 | | | | PS balances NPS |
| 9/15/2019 | $75,000 | Local | | | | 2002 | 0201 | 0201 | PS balances NPS |
| 9/15/2019 | $10,000 | Local | | | | 2001 | 0402 | 0402 | PS balances NPS |
| 9/15/2019 | $5,000 | Local | | | | 2003 | 0427 | 0427 | PS balances NPS |
| 9/15/2019 | $4,200 | Local | | | | 2001 | 0701 | 0701 | PS balances NPS |
| 9/15/2019 | $45,800 | Local | | | | 2001 | 2001 | 0701 | PS balances NPS |
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## PERB QUESTION #: 18

Q18 Contracts

**PERB CONTRACTS AND PROCUREMENTS, FY2019 AND FY2020, AS OF FEB. 1, 2020 (Q18)**

(complete columns A-V)

| Contract Number, as it appears in OCP's Awarded Contracts Database | Contractor /Vendor Name | Contract Administrator name | Contracting Officer name | Solicitation method (e.g. competitive bid, via GSA or DCSS, sole source, task order against other agency's contract) | Contract type (e.g. HCA, IDIQ, BPA, Sole Source, exempt from competition) | Specific description of contractual goods and/or services | Names of any subcontractors | Period of performance (dates) | Number of option years available | Current year of contract (e.g. Base Year, Option Year 1, etc.) | Program code | Activity code | Index code | PCA code | Requisition numbers | Purchase order numbers | Funding source (e.g. federal, local, SPR) | Maximum or total contract or procurement value in FY2019, per contract | Actual expenditures in FY2019 for each contract | Maximum or total contract or procurement value in FY2020 | Total actual payments made in FY2020 for each contract |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | WEST PUBLISHING CORP | Antwanette Murphy | | | Exempt from Competition | Legal Research Services | N/A | 10/01/2019-09/30/2020 | | FY'20 | 20001 | 20001 | 20001 | 12001 | RK136110 | PO612450 | Local | | | 10000 | 0 |
| | JOYCE D. PHILLIPS | Antwanette Murphy | | | Exempt from Competition | Administrative and Legal Assistant | N/A | 10/01/2019-09/30/2020 | | FY'20 | 20001 | 20001 | 20001 | 12001 | RK136082 | PO613039 | Local | | | 10000 | 1896 |
| | JOYCE D. PHILLIPS | Najibah Almahdi | | Sole Source | Exempt from Competition | Administrative and Legal Assistant | | 10/01/2018-09/30/2019 | | FY'19 | 20001 | 20001 | 20001 | 12001 | RK105050 | PO595413 | Local | 12984 | 10352 | | |
| | NEAL R GROSS & CO INC | Antwanette Murphy | | Competitive Bid | Exempt from Competition | Professional Court Transcription Services for Hearings | N/A | 10/01/2019-09/30/2020 | | FY'20 | 20001 | 20001 | 20001 | 12001 | RK135500 | PO613625 | Local | | | 15990 | 633.76 |
| | NEAL R GROSS & CO INC | Najibah Almahdi | | Competitive Bid | | Transcription Services for All Hearings | | 10/01/2018-09/30/2019 | | FY'19 | 20001 | 20001 | 20001 | 12001 | RK105373 | PO597730 | Local | 27512 | 8404.99 | | |
| | WEBSTER & FREDRICKSON, PLLC | Antwanette Murphy | | Sole Source | Exempt from Competition | Outside Legal Coumcil | N/A | 10/01/2019-09/30/2020 | | FY'20 | 20001 | 20001 | 20001 | 12001 | RK140598 | PO616100 | Local | | | 60000 | 7150.68 |
| CW10697 | Webster, Fredrickson, Correla | Najibah Almahdi | | Sole Source | Exempt from Competition | Outside Legal Council for Superior Court Cases | | 10/01/2018-09/30/2019 | | FY'19 | 20001 | 20001 | 20001 | 12001 | RK105385 | PO601041 | Local | 40000 | 19051 | | |
| | JOHN E. HIGGINS JR. | Antwanette Murphy | | | Exempt from Competition | Training-Labor Law Training-On-Site Instructor | | 10/01/2019-09/30/2020 | | FY'20 | 20001 | 20001 | 20001 | 12001 | RK117939 | PO602928 | Local | 10000 | 0 | | |
| | JOHN E. HIGGINS JR. | Najibah Almahdi | | Sole Source | Exempt from Competition | Training-Labor Law Training-On-Site Instructor | | 10/01/2018-09/30/2019 | | FY'19 | 20001 | 20001 | 20001 | 12001 | RK108321 | PO598013 | Local | 12500 | 10000 | | |

**PERB QUESTION #22**

Q22 Personnel

**CHART OF PERB AGENCY PERSONNEL, as of Feb. 1, 2020 (Q22)**

| Position number | Position status (A-active, R-frozen) | Vacancy Status (V/F) | Job title | Program name | Program code | Activity name | Activity code | Employee's name (leave blank if position is vacant) | Reports to name | Grade level | Step | Salary | Fund code | Type of appointment (e.g. career, excepted, MSS) | Job status (i.e. continuing, term, or temporary) | Full-time, part-time | WAE (yes/no) | Seasonal or year-round | Hire (start) date into the position | Position effective date | Not-to-Exceed date | Hire (start) date in District government | DC Residency status (Yes/no) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 00000503 | A | Full | Executive Director | Performance Management | 1090 | Performance Management | 1090 | Martin,Clarene P | | 3 | 0 | $182,027.40 | 0100 | Career | Continuing | Fulltime | No | Year Around | 2/3/2014 | | | 1/19/1999 | Yes |
| 00015675 | A | Full | GENERAL ATTORNEY | Court Appeals | 2001 | Court Appeals | 2001 | Anderson,Alexis P | Balkum,Erica J | 12 | 4 | $95,006.00 | 0100 | Career | Continuing | Fulltime | No | Year Around | 7/5/2016 | | | 7/5/2016 | Yes |
| 00016462 | A | Full | Administrative Officer | Legal Support | 2001 | Legal Support | 2001 | Boone Murphy,Antwan | Martin,Clarene P | 14 | 6 | $120,256.62 | 0100 | Career | Continuing | Fulltime | No | Year Around | 6/9/2019 | | | 12/21/1998 | No |
| 00017718 | A | Full | ADMINISTRATIVE ASSISTANT | Legal Support | 2001 | Legal Support | 2001 | Harrington,Sheryl V | Boone Murphy,Antwanette | 8 | 8 | $56,773.00 | 0100 | Career | Continuing | Fulltime | No | Year Around | 10/6/2014 | | | 8/18/1997 | Yes |
| 00035204 | A | Full | Attorney Advisor | Court Appeals | 2002 | Court Appeals | 2002 | Simms,Royale C. | Balkum,Erica J | 11 | 6 | $84,078.00 | 0100 | Career | Continuing | Fulltime | No | Year Around | 8/6/2018 | | | 8/6/2018 | Yes |
| 00074998 | A | Full | Supervisory Attorney Advisor | Court Appeals | 2002 | Court Appeals | 2002 | Balkum,Erica J | Martin,Clarene P | 1 | 0 | $148,445.66 | 0100 | Career | Continuing | Fulltime | No | Year Around | 7/15/2019 | | | 12/31/2012 | No |
| 00077408 | A | Vacant | Program Analyst | Court Appeals | 2002 | Court Appeals | 2002 | | Balkum,Erica J | 12 | 0 | $76,126.00 | 0100 | Career | Continuing | Fulltime | No | Year Around | | 7/21/2019 | | | |
| 00077442 | A | Full | GENERAL ATTORNEY | Court Appeals | 2002 | Court Appeals | 2002 | George,Merlin M | Balkum,Erica J | 12 | 4 | $95,006.00 | 0100 | Career | Continuing | Fulltime | No | Year Around | 3/5/2017 | | | 3/5/2017 | Yes |

**EXHIBIT TO QUESTION #12**

# PERB Non-Personnel Services-Spend Plan -FY2020

**PERB FY'20-Non-Personnel Services Budget Detail As of 10/01/2019**

| Comp Source Group | Comp Source Group Title | Appropriated Balance |
|---|---|---|
| 0020 | Supplies and Materials | $ 10,000 |
| 0031 | Telecommunications | $ 30,146 |
| 0040 | Other Services and Charges | $ 136,674 |
| 0041 | Contractual Services-Other | $ 125,867 |
| 0070 | Equipment & Equipment Rental | $ 10,000 |
| **0100 Local Fund** | | **$ 312,687** |

**Non-Personnel Services-Spend Plan Summary-FY2020**

| **Comp Source 40 Other Services and Charges** | | |
|---|---|---|
| **Total CY** | **2020 Estimate** | |
| Iron Mountain Document Storage | $ | 2,800.00 |
| Imprest Fund* Estimate (Total Spending) | $ | 100.00 |
| Time Matters Subscription | $ | 2,550.00 |
| Michael Matter ™ (David Michael) | $ | 4,000.00 |
| Hearings/Mediations | $ | 50,000.00 |
| Agency Specific Training-Higgins | $ | 10,000.00 |
| Board Member Stipends | $ | 33,8000.00 |
| Board Member Transportation | $ | 900.00 |
| Vyte Scheduling Software | $ | 100.00 |
| Adobe Software | $ | 190.00 |
| Courier Services | $ | 2,000.00 |
| **Total** | **$** | **106,440.00** |

| **Comp Source 401 Travel** | | |
|---|---|---|
| **FY 2020** | | |
| **Vendors** | | |
| ALRA Annual Conference | $ | 11,180.00 |
| ALRA Plenary Session | $ | 257.00 |
| AMA Management Training | $ | 2,000.00 |
| **Total** | **$** | **13,437.00** |

| Comp Source 31 Telecommunications | | |
|---|---|---|
| **Telecomm** | **$** | **30,000.00** |
| **Total** | **$** | **30,000.00** |

| Comp Source 41 | | |
|---|---|---|
| **Contractual Services** | | |
| **FY 2020** | | |
| **Vendors** | | |
| Webster & Fredrickson | $ | 60,000.00 |
| West Law | $ | 10,560.00 |
| Court Reporter | $ | 12,000.00 |
| Commonwealth Digital Office-Printer Maintenance | $ | 2,500.00 |
| Second Tuesdays | $ | 8,000.00 |
| ALRA Membership | $ | 400.00 |
| Writing Course | $ | 11,000.00 |
| P/T Staff Assistant | $ | 10,000.00 |
| Temporary Support-Admin | $ | 10,000.00 |
| **Total** | **$** | **124,460.00** |

| Comp Source 20 | | |
|---|---|---|
| **Supplies** | | |
| **FY 2020** | | |
| **Vendors** | | |
| Standard Office Supplies | $ | 7,300.00 |
| Postage | $ | 100.00 |
| Staples/Business Cards | $ | 100.00 |
| **Total** | **$** | **7,500.00** |

| Comp Source 70<br>Equipment | | |
|---|---|---|
| **FY 2020** | | |
| **Vendors** | | |
| Dell-Smart/Interactive Board and Installation | $ | 10,000.00 |
| Copy Machine Purchase | $ | 5,484.63 |
| IT Equipment (Laptops (2), Desktop and accessories) | $ | 10,000.00 |
| Stamps.Com | $ | 216.00 |
| **Total** | **$** | **25,700.63** |

| **MOU 2020** | | |
|---|---|---|
| MOU -OCTO-Case Search Application | $ | 3,900.00 |
| **Total** | **$** | **3,900.00** |

| **Source Code Summary** | | |
|---|---|---|
| **Comp Source Group** | **Amount** | |
| Comp Source 40/ Other Services | $ | 106,440.00 |
| Comp Source 401/Travel | $ | 13,437.00 |
| Comp Source 41/Contractual Services | $ | 124,460.00 |
| Comp Source 20/Supplies | $ | 7,500.00 |
| Comp Source 70/Equipment | $ | 25,700.63 |
| Comp Source 31/Telecommunications | $ | 30,000.00 |
| MOU 2020 | $ | 3,900.00 |
| **Total** | **$** | **311,437.63** |

# MEMORANDUM OF UNDERSTANDING

BETWEEN

THE DISTRICT OF COLUMBIA PUBLIC EMPLOYEE RELATIONS BOARD

AND

THE DEPARTMENT OF HUMAN RESOURCES

**FOR FISCAL YEAR 2019**

## I. INTRODUCTION

This Memorandum of Understanding (MOU) is entered into between the District of Columbia (District) Public Employee Relations Board (PERB or Buyer) and the Department of Human Resources (DCHR or Seller), collectively known as the Parties and individually as a Party.

## II. PROGRAM GOALS AND OBJECTIVES

The Buyer serves as the personnel authority for its staff and provides personnel and resource support. However, the Buyer lacks the human resources (HR) processing infrastructure necessary to accommodate its personnel related operations. Through this MOU, the Seller shall provide the Buyer the needed HR services.

## III. SCOPE OF SERVICES

Pursuant to the applicable authorities and in pursuit of the shared goals of the Parties to carry out the program goals and objectives expeditiously and economically, the Parties agree as follows:

### A. RESPONSIBILITIES OF DCHR

DCHR shall provide PERB the HR services listed below. For each service, DCHR shall provide data processing and customer service. For purposes of this MOU, "customer service" includes advising PERB and its employees on matters related to a particular HR service. HR services include:

1. Benefits and retirement services;
2. Recruitment and staffing services;

3. Classification and compensation services;
4. Employee relations services;
5. Performance management services (ePerformance);
6. Policy advisement services; and
7. Learning and development services.

**B. RESPONSIBILITIES OF PERB**

In support of the above services, PERB shall:

1. Advance to DCHR fifteen thousand dollars **($15,000.00)** for HR services;
2. Ensure that DCHR receives all documentation reasonably necessary in a timely fashion to carry out its responsibilities under this MOU;
3. Ensure that PERB employees are actively enrolled in Employee Self Service;
4. Designate a PERB employee to serve as a Human Resources Authority (HRA), who will coordinate with DCHR personnel to facilitate the services provided by DCHR;
5. Coordinate, in good faith and promptly, with DCHR before engaging in any corrective or adverse action procedure involving a PERB employee, non-union dispute resolution or mediation, or non-union grievance process;
6. Ensure that all PERB management are properly trained in performance management concepts and PeopleSoft's ePerformance application. The HRA shall be responsible for PERB level ePerformance training and administration once they have received initial training from DCHR;
7. PERB agrees to be bound by the provisions of the Comprehensive Merit Personnel Act, Title 6B of the D.C. Municipal Regulations, and all implementing DCHR policies, procedures, issuances and other guidance, unless specifically superseded by statute; and
8. PERB agrees that this MOU does not include any services relating to enhanced suitability assessments pursuant to Chapter 4 of Title 6B of the D.C. Municipal Regulations.

## IV. DURATION OF MOU

**A.** The period of this MOU shall be from October 1, 2018 through September 30, 2019

unless terminated in accordance with Section XI prior to the expiration.

**B.** The Parties may extend the term of this MOU by exercising a maximum of one (1) one-year option period. PERB shall provide DCHR with written notice of its intent to exercise an option period thirty (30) days prior to the expiration of the initial year of this MOU.

**C.** The exercise of an option period is subject to the availability of funds at the time of the exercise of the option.

**D.** Subject to appropriations, this paragraph serves as PERB's letter of intent for Fiscal Year 2020 to execute an extension pursuant to paragraph B of this section or execute a new MOU with identical terms for at least fifteen thousand dollars **($15,000.00).**

## V. AUTHORITY FOR MOU

The authority for this MOU may be found at D.C. Official Code § 1-301.01(k) (2016 Repl.), D.C. Official Code § 1-604.06(b)(6) (2016 Repl.), and D.C. Official Code § 1-605.01 (2016 Repl.).

## VI. FUNDING PROVISIONS

### A. COST OF SERVICES

1. Total cost for services under this MOU shall not exceed fifteen thousand dollars **($15,000.00)** for Fiscal Year 2019. Funding for services shall not exceed the actual cost of the goods and services.

2. The estimated cost of this MOU is based upon a flat fee.

### B. PAYMENT

1. Payment for the services shall be made through an Intra-District advance by PERB to DCHR based on the total amount of this MOU.

2. DCHR shall receive the advance and bill PERB only for those goods and services actually provided pursuant to the terms of this MOU. DCHR shall return any excess advance to PERB within thirty (30) days of the end of the current fiscal year.

3. PERB shall report all services received under this MOU in its monthly Financial Review Process (FRP) report to the Office of Budget and Planning of the District of Columbia Office of the Chief Financial Officer.

4. Advances to DCHR for the services to be performed and goods to be provided

shall not exceed fifteen thousand dollars **($15,000.00)** in Fiscal Year 2019.

## VII. ANTI-DEFICIENCY CONSIDERATIONS

The Parties acknowledge and agree that their respective obligations to fulfill financial obligations of any kind pursuant to any and all provisions of this MOU, or any subsequent agreement entered into by the Parties pursuant to this MOU, are and shall remain subject to the provisions of: (i) the federal Anti-Deficiency Act, 31 U.S.C. §§ 1341, 1342, 1349-1351; (ii) the District of Columbia Anti-Deficiency Act, D.C. Official Code §§ 47-355.01-355.08 (2015 Repl. & 2017 Supp.); (iii) D.C. Official Code §§ 1-206.03(e) (2016 Repl.) and 47-105 (2015 Repl.); and (iv) D.C. Official Code § 1-204.46 (2016 Repl.), as may be amended, regardless of whether a particular obligation has been expressly so conditioned.

## VIII. COMPLIANCE AND MONITORING

As this MOU is funded by District of Columbia funds, DCHR will be subject to scheduled and unscheduled monitoring reviews by PERB to ensure compliance with all applicable requirements.

## IX. RECORDS AND REPORTS

DCHR shall maintain records and receipts for the expenditure of all funds provided for a period of no less than three (3) years from the date of expiration or termination of this MOU and, upon the request of PERB or another District of Columbia government agency with legal authority to request review, make these documents available for inspection by duly authorized representatives of PERB or the relevant District of Columbia government agency.

## X. CONFIDENTIAL INFORMATION

The Parties to this MOU will use, restrict, safeguard, and dispose of all information related to services provided under this MOU, in accordance with all relevant federal and local statutes, regulations, and policies. Information received by either Party in the performance of responsibilities associated with this MOU shall remain the property of PERB.

## XI. TERMINATION

Either Party may terminate this MOU in whole or in part by giving forty-five (45) calendar days advance written notice to the other Party. In the event of the termination of this MOU, the Seller shall return any unused funds after all required fiscal reconciliation, but not later than September 30th of the then current fiscal year.

## XII. NOTICE

The following individuals are the contact points for each Party under this MOU:

**Kena Cofield Jones, Senior Advisor**
Office of the Director, DCHR
1015 Half Street, SE, 8th Floor
Washington DC 20003
(202) 442-9667

**Clarene P. Martin, Executive Director**
Public Employee Relations Board
1100 4th Street, SW, Suite 630E
Washington, DC 20024
(202) 727-1822

## XIII. AMENDMENTS AND MODIFICATIONS

The terms and conditions of this MOU may be modified only upon prior written agreement by the Parties. Amendments or modifications shall be dated and signed by the authorized representatives of the Parties.

## XIV. MISCELLANEOUS

The Parties shall comply with all applicable laws, rules and regulations whether now in effect or hereafter enacted or promulgated and agree to be bound by the Comprehensive Merit Personnel Act, D.C. Official Code § 1-601.01 *et seq.*, as implemented through the District Personnel Manual.

## XV. PROCUREMENT PRACTICES REFORM ACT

If a District of Columbia agency or instrumentality plans to utilize the goods or services of an agent, contractor, consultant or other third party to provide any of the goods or services under the MOU, then the agency or instrumentality shall abide by the provisions of the District of Columbia Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01, et. seq.) (2016 Repl.) to procure the goods or services.

## XVI. RESOLUTION OF DISPUTES

The Parties' Directors, or their designees, shall resolve all disputes or adjustments resulting from goods or services provided under this MOU. In the event the Parties are unable to resolve a financial issue, the matter shall be referred, in writing, to the Office of Financial Operations and Systems (OFOS) of the District of Columbia Office of the Chief Financial Officer. The decision of OFOS shall be final.

**FOR THE PUBLIC EMPLOYEE RELATIONS BOARD**

Clarene P. Martin, Director — November 20, 2018 — Date

**FOR THE DEPARTMENT OF HUMAN RESOURCES**

Ozwar Carolina for Ventris C. Gibson

Ventris C. Gibson, Director — 11/6/18 — Date

**INTRA-DISTRICT STANDARD REQUEST FORM**
Government of the District of Columbia

**PART I**

**GENERAL**

MOU NUMBER: _____ DATE OF MOU: __/__/__

**SELLER INFORMATION**

AGENCY: D.C. Department of Human Resources AGENCY CODE: BE0

NAME OF CONTACT: James Hurley - Agency Fiscal Oficer

ADDRESS : 441 4th Street N.W. Siute 890 N.
Washington, DC 20001

TELEPHONE # : 202-727-3605

FAX # : 202 727-0659

AUTHORIZING OFFICER for [signature] DATE: 11,26,18

**BUYER INFORMATION**

AGENCY: Public Employee Relations Board AGENCY CODE: CG0

NAME OF CONTACT: ADDRESS : Paul Blake
441 4th Street NW
Suite 890 N. W
Washington, DC 20001

TELEPHONE # : 202-727-9833

FAX # : 202-727-2202 DATE: 11,20,18

AUTHORIZING OFFICER Paul K. Blake DATE:

*PLEASE SEE NEXT PAGE FOR FUNDING INFORMATION*

## PART II

**MOU NUMBER:** _____ 2 OF 2

### SERVICE INFORMATION AND FUNDING CODES

***GOOD/ SERVICE:*** Provide HR Services

$ 15,000.00

| | AGY | YR | ORG CODE | FUND | INDEX | PCA | OBJ | AOBJ | GRANT/PH | PROJ/PH |
|---|---|---|---|---|---|---|---|---|---|---|
| Seller | BEO | 19 | 0001 | 0700 | CGBE9 | 27100 | 4600 | 4600 | | CGBE19-01 |
| Buyer | CG0 | 19 | | 0100 | 20001 | 12001 | 0409 | 0409 | | |

***GOOD/ SERVICE:*** _____

DATE: __ __ / __ __ / __ __ TOTAL: _____

| | AGY | YR | ORG CODE | FUND | INDEX | PCA | OBJ | AOBJ | GRANT/PH | PROJ/PH |
|---|---|---|---|---|---|---|---|---|---|---|
| SELLER | | | | | | | 4600 | | | |
| BUYER | | | | | | | | | | |

***GOOD/ SERVICE:*** _____

DATE: __ __ / __ __ / __ __ TOTAL: _____

| | AGY | YR | ORG CODE | FUND | INDEX | PCA | OBJ | AOBJ | GRANT/PH | PROJ/PH |
|---|---|---|---|---|---|---|---|---|---|---|
| SELLER | | | | | | | 4600 | | | |
| BUYER | | | | | | | | | | |

***GOOD/ SERVICE:*** _____

DATE: __ __ / __ __ / __ __ TOTAL: _____

| | AGY | YR | ORG CODE | FUND | INDEX | PCA | OBJ | AOBJ | GRANT/PH | PROJ/PH |
|---|---|---|---|---|---|---|---|---|---|---|
| SELLER | | | | | | | 4600 | | | |
| BUYER | | | | | | | | | | |

*Revised 9/15/98*

| OFFICE OF THE CHIEF TECHNOLOGY OFFICER<br>GOVERNMENT OF THE DISTRICT OF COLUMBIA | **MOU Executive Brief<br>OCTO Division** |
|---|---|
| **OCTO Deputy/Executive:**<br>Carol Harrison | **Program Manager:**<br>Marshall, Christophe |
| **Agency:**<br>DISTRICT OF COLUMBIA PUBLIC EMPLOYEE RELATIONS BOARD (PERB) | **Dollar Amount:**<br>$3,900.00 |
| **Date Submitted:**<br>Sep 4 2019 2:31PM | **eMOU#:**<br>TO0CG0-2020-01260 |

**Project Description:**

PERB would like to engage OCTO to provide consulting services for the PERB Case Search application maintenance.

**Risks:**

**Challenges:**

**Urgency:** [X] Normal [ ] Rush [ ] Expedite

# MEMORANDUM OF UNDERSTANDING

BETWEEN

# DISTRICT OF COLUMBIA PUBLIC EMPLOYEE RELATIONS BOARD

AND

# DISTRICT OF COLUMBIA OFFICE OF THE CHIEF TECHNOLOGY OFFICER

**FOR FISCAL YEAR 2020**

**MOU Number: TO0CG0-2020-01260**

## I. INTRODUCTION

This Memorandum of Understanding ( **"MOU"**) is entered into between the **DISTRICT OF COLUMBIA PUBLIC EMPLOYEE RELATIONS BOARD (PERB or "Buyer Agency"**) and the **District of Columbia OFFICE OF CHIEF TECHNOLOGY OFFICER ("OCTO" or "Seller Agency"**), collectively referred to herein as the "Parties" and individually as "Party."

## II. LEGAL AUTHORITY FOR MOU

D.C. Official Code § 1-301.01(k).

## III. OVERVIEW OF PROGRAM GOALS AND OBJECTIVES

PERB would like to engage OCTO to provide consulting services for the PERB Case Search application maintenance; and PERB's agreement to pay for said services once approved. The program goals and objectives are as follow:

Representatives of OCTO and PERB will meet as reasonably necessary, but no less than monthly, to monitor and evaluate performance under this MOU. The monthly meetings, in addition to any other meetings scheduled to satisfy the requirements of this MOU, will:

1. Provide annual application support throughout FY2020, and
2. Make changes and additions to content wording within the PERB Case Search application pertaining

## IV. SCOPE OF SERVICES

Pursuant to the applicable authorities and in the furtherance of the shared goals of the Parties to carry out the purposes of this MOU expeditiously and economically, the Parties hereby agree as follows:

## A. RESPONSIBILITIES OF SELLER AGENCY

The Seller Agency shall:

(1) Attend scheduled meetings between PERB and OCTO to provide consulting services;

(2) Correct any software defects for the PERB Case Search application;

(3) Modify PERB Case Search application consistent with legislative/policy changes;

(4) Perform any other maintenance on the PERB Case Search application that are consistent with the standards and guidelines as established by OCTO; and

(5) Perform all services in a timely and satisfactory manner as determined in the sole discretion of PERB.

* This agreement does not include the design, development, or modification of any new web-based software applications nor any application features to existing software.

**B. RESPONSIBILITIES OF BUYER AGENCY**

The Buyer Agency shall:

(1) Process an advance of the projected cost (as stated in Section VI.A below) to the Seller Agency immediately after execution of this MOU;

(2) Provide all PERB Case Search content and assume responsibility for all decisions concerning the PERB Case Search application maintenance pursuant to OCTO Web Standards Guidelines and DC legislation; and

(3) Review all services performed under this MOU to determine if said services were timely and satisfactory.

**V. DURATION OF MOU**

The duration of this MOU shall be for **Fiscal Year 2020**, and shall begin on the last date of execution by the Parties, and shall expire on **Sep 30, 2020**, unless terminated in writing by the Parties prior to expiration pursuant to Section VII of this MOU.

**VI. FUNDING PROVISIONS**

**A. COST OF SERVICES**

The total cost for goods and/or services under this MOU shall not exceed **$3,900.00** for Fiscal Year 2020. Funding for goods and/or services shall not exceed the actual cost of the goods and/or services provided, based on the rates provided below:

Maintenance Fee = (20% of Total Development Cost) = .2 * $19,500.00 = $3,900.00

**B. PAYMENT**

(1) Payment for the goods and/or services shall be made through an Intra-District advance by the Buyer Agency to the Seller Agency based on the total amount of this MOU **$3,900.00**.

a. Advances to the Seller Agency for the services to be performed and/or goods to be provided shall not

Q.13 (a) 2- PERB's Intra-District Memoranda of Understanding (MOU) FY2019 and FY2020 exceed the actual costs of the goods or services or the amount of this MOU.

b. The Seller Agency shall receive the advance and bill the Buyer Agency through the Intra-District process only for those goods and/or services actually provided pursuant to the terms of this MOU.

(2) Upon request from the Buyer Agency, the Seller Agency shall provide the Buyer Agency with a listing of itemized services.

(3) The Seller Agency shall:

a. Notify the Buyer Agency within forty-five (45) days prior to the close of the fiscal year if it has reason to believe that all of the advance will not be billed during the current fiscal year.

b. Return any excess advance to the Buyer Agency by September 30 of the current fiscal year.

(4) In the event of termination of this MOU, payment to the Seller Agency shall be held in abeyance until all required fiscal reconciliation, but not later than September 30 of the then current fiscal year.

**C. ANTI-DEFICIENCY CONSIDERATIONS**

The Parties acknowledge and agree that nothing in this MOU creates a financial obligation in anticipation of an appropriation, and that all provisions of this MOU, or any subsequent agreement entered into by the Parties pursuant to this MOU, are and shall remain subject to the provisions of (i) the federal Anti-Deficiency Act, 31 U.S.C. §§ 1341, 1342, 1349, 1351, (ii) the District of Columbia Anti-Deficiency Act, D.C. Official Code §§ 47-355.01-355.08, (iii) D.C. Official Code § 47-105, and (iv) D.C. Official Code § 1-204.46, as the foregoing statues may be amended from time to time, regardless of whether a particular obligation has been expressly so conditioned.

**VII. TERMINATION**

Either Party may terminate this MOU in whole or in part by giving thirty (30) calendar days advance written notice to the other Party.

**VIII. NOTICES**

The following individuals are the contact points for each Party:

**PERB**
Martin, Clarene P. (PERB)
717 14th Street, NW
Washington, D.C. 20024
Phone: (202) 727-4990
Email : clarene.martin@dc.gov

**OCTO**
Marshall, Christopher (OCTO)
Program Manager
200 I ST SE, 5th Floor
Washington, D.C. 20003
Phone : (202) 478 5971
Email : Christopher.Marshall@dc.gov

## IX. MODIFICATIONS

This MOU may be modified only upon prior written agreement of the Parties. Modifications shall be dated and signed by the authorized representatives of the Parties.

## X. CONSISTENT WITH LAW

The Parties shall comply with all applicable federal and District laws, rules and regulations whether now in effect or hereafter enacted or promulgated.

## XI. COMPLIANCE AND MONITORING

The Seller Agency will be subject to scheduled and unscheduled monitoring reviews to ensure compliance with all applicable requirements.

## XII. RECORDS AND REPORTS

The Seller Agency shall maintain records and receipts for the expenditure of all funds provided pursuant to this MOU for a period of no less than three (3) years from the date of expiration or termination of this MOU and, upon the Buyer Agency's or the District of Columbia's request, make these documents available for inspection by duly authorized representatives of the Buyer Agency or other officials of the District of Columbia as may be specified by the District of Columbia in its sole discretion.

## XIII. PROCUREMENT PRACTICES ACT

If a District of Columbia agency or instrumentality plans to utilize the goods and/or services of an agent, contractor, consultant or other third party to provide any of the goods and/or services under this MOU, then the agency or instrumentality shall abide by the provisions of the District of Columbia Procurement Practices Reform Act of 2010 (D.C. Official Code § 2-351.01, et seq.) to procure the goods or services.

## XIV. RESOLUTION OF DISPUTES

The Parties' Directors or designees shall resolve all adjustments and disputes arising from services performed under this MOU. The decision of the Parties' Directors related to any disputes referred shall be final. In the event that the Parties are unable to resolve a financial issue, the matter shall be referred to the D.C. Office of the Chief Financial Officer, Office of Financial Operations and Systems.

## XV. CONFIDENTIAL INFORMATION

The Parties to this MOU will use, restrict, safeguard and dispose of all information related to services provided by this MOU in accordance with all relevant federal and District statutes, regulations, and policies. Information received by either Party in the performance of responsibilities associated with the performance of this MOU shall remain the property of the Buyer Agency.

**IN WITNESS WHEREOF, the Parties hereto have executed this MOU as follows:**

**DISTRICT OF COLUMBIA PUBLIC EMPLOYEE RELATIONS BOARD, District of Columbia**

Clarene Phyllis Martin Date: 11/1/2019

Executive Director
Clarene Phyllis Martin

**Office of the Chief Technology Officer, District of Columbia**

Lindsey V. Parker Date: 11/6/2019

Chief Technology Officer
Lindsey V. Parker

**INTRA-DISTRICT STANDARD REQUEST FORM**

Government of District of Columbia

| | | | |
|---|---|---|---|
| **MOU Number:** | TO0CG0-2020-01260 | **Date of MOU:** | 10/16/2019 |

## Buyer Information

| | | | |
|---|---|---|---|
| Agency Name: | PERB | Agency Code: | CG0 |
| Name of Contact: | Paul K. Blake | Address: | 717 14th Street NW |
| Telephone #: | (202) 727-4990 | Fax #: | |

Paul K. Blake

Signature

Date: 10/15/2019

## Seller Information

| | | | |
|---|---|---|---|
| Agency Name: | OCTO | Agency Code: | TO0 |
| Name of Contact: | Abdi Yusuf | Address: | 200 I ST, SE WASHINGTON, DC 20003 |
| Telephone #: | | Fax #: | |

Abdi Yusuf

Signature

Date: 10/15/2019

**Service Information and Funding Codes**

| | |
|---|---|
| GOOD/ SERVICE: | OCTO maintenance fee |

**Buyer**

| AGY | YR | ORG | FUND | INDEX | PCA | OBJ | AOBJ | GRANT | PROJ | AG1 | AG2 | AG3 | AMOUNT |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| CG0 | 20 | 2001 | 0100 | 20001 | 12001 | 0409 | 0409 | NA | NA | NA | NA | NA | $3,900.00 |

**Seller**

| AGY | YR | ORG | FUND | INDEX | PCA | OBJ | AOBJ | GRANT | PROJ | AG1 | AG2 | AG3 | AMOUNT |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| TO0 | 20 | 2000 | 1363 | 0PERB | 20011 | 4600 | 4600 | N/A | 0AIMCG/02 | N/A | N/A | N/A | $3,900.00 |

## eMOU Approval History

1/7/2020 12:21:23 PM

**TO0CG0-2020-01260**

| Step Name | Name | Status Name | Status Date | Comments |
|---|---|---|---|---|
| MOU Author Review | Easley, Juan (OCTO) (OCTO) | Approved | 9/5/2019 10:10:24 AM | |
| IDSR Form Signature - Buyer Agency | Paul Blake, AFO (OCFO) | Signed | 10/15/2019 11:43:20 AM | |
| OCTO Program Manager Review | Marshall, Christopher (OCTO) (OCTO) | Approved | 10/15/2019 12:27:59 PM | Re-approved. |
| OCTO General Counsel Review | Radkar, Smruti (OCTO) (OCTO) | Approved | 10/16/2019 1:56:45 PM | |
| OCTO Executives Review | Carol Harrison (OCTO) | Approved | 10/21/2019 1:49:09 PM | |
| Buyer Agency Final Review of MOU | Martin, Clarene P. (PERB) (PERB) | Approved | 10/31/2019 10:27:19 AM | |

| | | | |
|---|---|---|---|
| MOU Signature - Buyer Agency | Martin, Clarene P. (PERB) (PERB) | Signed | 11/1/2019 5:17:08 PM |
| MOU Signature - OCTO | Lindsey Parker (OCTO) (OCTO) | Signed | 11/6/2019 3:26:41 PM |
| IDSR Form Signature - OCTO | Yusuf Abdi (OCTO) | Signed | 11/13/2019 9:02:45 AM |

Q.15(a) PERB's Interagency Reprogramming FY2019 and FY2020

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**
OFFICE OF THE CHIEF FINANCIAL OFFICER
GOVERNMENT OPERATIONS CLUSTER
OFFICE OF FINANCE AND RESOURCE MANAGEMENT

**MEMORANDUM**

**To:** Alana Intrieri
Director, Office of Policy and Legislative Affairs

**Thru:** Angelique Rice
Associate Chief Financial Officer
Government Operations Cluster

**From:** Clarene Martin
Executive Director
Public Employee Relations Board

Kimberly Bassett
Secretary of the District of Columbia

**Date:** July 29, 2019

**Subject:** Request for Reprogramming of $150,000 in Local Funds from the Public Employee Relations Board (CG0) to Office of the Secretary (BA0)

---

The Public Employee Relations Board is requesting to reprogram $150,000.00 from its local budget to the District of Columbia's Office of the Secretary.

**Why are the funds needed?**

The funds are needed to cover unbudgeted personal services expenditures within the Office of the Secretary. The agency had separation costs associated with former employees and needed to hire temporary workers due to increased staffing responsibilities.

**Is this a reprogramming to restore a budget cut authorized by the Mayor and/or Council?**

No, this reprogramming does not restore a budget cut authorized by the Mayor or the Council.

**What hardship will the District face if the action is postponed until the subsequent fiscal year?**

This reprogramming will cover personal services costs within the Office of the Secretary necessary for ongoing agency operations. Without this reprogramming the agency will not have sufficient funds to cover personal services expenditures for the fiscal year 2019 and may be anti-deficient.

**How will the funds be reprogrammed?**

The funds will be reprogrammed in the following manner:

From
CG0 Local Fund, Object Class 0111 (2001 – Court Appeals)

To
BA0 Local Fund, Object Classes 0111 and 0147 (1090 – Performance Management) and Object Class 0125 (1402 – Administrative Issuances)

**Why are the funds available?**

The funds are available due to salary lapse.

**What programs, services, or other purchases will be delayed as a result of the action, and impact on the program or agency?**

No programs, services, or other purchases will be delayed as a result of this action.

Should you have any questions, please contact Paul K. Blake, Agency Fiscal Officer, at 202-727-9833.

Cc: Michael Bolden, Director of Financial Operations, GOC
Gordon McDonald, Deputy CFO for Budget and Planning

# Q.15(a) PERB's Interagency Reprogramming FY2019 and FY2020

**Attachment A -- Local (0100)** **Reprogramming Budget Request/SOAR Budget Entry Form**

| Government of the District of Columbia | Originating Agency Name and Code: Public Employee Relations Board - CG0 | Fund and Code: Local funds (0100) |
|---|---|---|
| APPROVAL REQUIRED FOR THE FOLLOWING: | APPROVAL LEVEL: | Agency Director: Yvonne Haarten<br>Agency CFO: Paul K. Blake<br>Associate CFO: [illegible] |
| x Shift Between Agencies<br>Shift Between Activities<br>Shift Between Programs | Agency<br>x OBP<br>DC Council | Budget Reprogramming Amount Requested: $150,000.00<br>Prepared By: Paul K. Blake |
| | | Budget Fiscal Year:18<br>DATE 07/29/19 |

| ORG Code | Program Code | Program Name | PCA | Index | Object | Object Class | Original Budget Amount | Current Budget Amount | Amount of Decrease (-) | Amount of Increase (+) | Revised Budget Amount |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 2002 | 2002 | Court Appeals | 12001 | 20002 | 0111 | 0011 | $550,215.37 | $550,215.37 | ($150,000.00) | | $400,215.37 |
| 1000 | 1090 | Performance Management | 10900 | 10900 | 0111 | 0011 | $400,487.92 | $400,487.92 | | $65,000.00 | $465,487.92 |
| 1004 | 1402 | Administrative Issuances | 1004C | 1004C | 0125 | 0012 | $55,417.72 | $55,417.72 | | $45,000.00 | $100,417.72 |
| 1000 | 1090 | Performance Management | 10900 | 10900 | 0147 | 0011 | $192,003.85 | $192,003.85 | | $40,000.00 | $232,003.85 |
| | | | | | | | | | | | $0.00 |
| | | | | | | | | | | | $0.00 |
| | | | | | | | | | | | $0.00 |
| | | | | | | | | | | | $0.00 |
| | | | | | | | | | | | $0.00 |
| | | | | | | | | | | | $0.00 |
| | | | | | | | | | | | $0.00 |
| | | | | | | | | | | | $0.00 |
| | | | | | | | | | | | $0.00 |
| TOTAL | | | | | | | $1,198,124.86 | $1,198,124.86 | ($150,000.00) | $150,000.00 | $1,198,124.86 |

**Justification of Reprogramming Proposal:**
The District of Columbia's Office of the Secretary needs funding due to unbudgeted personal services expenses. PERB has funding due to vacancy lapse savings.

**For OBP Use Only:**

Approvals

| TASK | NAME | DATE | TITLE | PHONE |
|---|---|---|---|---|
| Keyed in SOAR By: | | | | |
| Released in SOAR By: | | | | |
| Approved By: | | | | |
| (If Applicable) Override Approved | | | | |

| Document Information (For OBP Use Only) | |
|---|---|
| Doc Number: | |
| Batch Type: | |
| Batch Agency: | |
| Doc Date: | |
| Effective Date: | |
| MPCD Code: | |

15:58:35 Thursday, July 25, 2019

Q.15(a) PERB's Interagency Reprogramming FY2019 and FY2020

S061 V2.1 PRD DISTRICT OF COLUMBIA R*STARS 2.1 07/25/19 03:56 PM
LINK TO: ____ AGENCY BUDGET FINANCIAL INQUIRY DSNF

AGENCY: BA0 AY: 19 ORG CODE: 1000 PGM CODE: 1090 FUNC CODE: ____
AP FUND: ____ FUND: 0100 GRANT/PH: _____ __ PROJECT/PH: _____ __
COMP SRC/GRP: 0011 OBJ/COBJ/AGY OBJ: ____ ____ ____ AGY OBJ GROUP: __
ORG LEVEL: 02 AGENCY MGMT PROGRAM (CC)
PGM LEVEL: 02 PERFORMANCE MANAGEMENT
FUNC LEVEL:
INQ TYPE: MC (MA, YA, MY, YY, MC, YC) DETAIL/SUMMARY: D
INQ YEAR: 19 INQ MONTH: 10 ADJUSTED BUDG: 400,487.92
BUDGET AVAIL: 34,527.97 BUDG % AVAIL: 8.62
EXPEND/BUDG %: 91.38 ALLOT/BUDG %: 0.00
ALLOTMENT BAL: 365,959.95- UNEXPND ALLOT: 365,959.95-

| BT | TITLE | AMOUNT | BT | TITLE | AMOUNT |
|---|---|---|---|---|---|
| 09 | ORIG EXP BU | 359,443.92 | | | |
| 10 | EXP BUD REV | 41,044.00 | | | |
| 15 | CASH EXPEND | 385,018.93 | | | |
| 17 | ACCRUED EXP | 19,058.98- | | | |

F1-HELP F2-DOC INQ F5-NEXT F9-INTERRUPT ENTER-INQUIRE CLEAR-EXIT

15:59:54 Thursday, July 25, 2019

Q.15(a) PERB's Interagency Reprogramming FY2019 and FY2020

```
S061 V2.1      PRD      DISTRICT OF COLUMBIA R*STARS 2.1       07/25/19 03:59 PM
LINK TO: ____           AGENCY BUDGET FINANCIAL INQUIRY                    DSNF

      AGENCY: BA0  AY: 19  ORG CODE: 1004     PGM CODE: 1402   FUNC CODE: ____
    AP FUND: ____      FUND: 0100   GRANT/PH: ______ __  PROJECT/PH: ______ __
COMP SRC/GRP: 0012      OBJ/COBJ/AGY OBJ: ____ ____ ____     AGY OBJ GROUP: __
   ORG LEVEL: 02 OFFICE OF DOCUMENTS & ADMIN. ISSUANCES
   PGM LEVEL: 02 ADMINISTRATIVE ISSUANCES
  FUNC LEVEL:
    INQ TYPE: MC       (MA, YA, MY, YY, MC, YC)   DETAIL/SUMMARY: D
    INQ YEAR: 19       INQ MONTH: 10     ADJUSTED BUDG:              55,417.72
 BUDGET AVAIL:              13,654.09-   BUDG % AVAIL:                    .00
EXPEND/BUDG %:                 124.64   ALLOT/BUDG %:                   0.00
ALLOTMENT BAL:              69,071.81-  UNEXPND ALLOT:              69,071.81-
BT    TITLE                   AMOUNT     BT    TITLE                  AMOUNT
09 ORIG EXP BU              55,417.72
15 CASH EXPEND              69,071.81
17 ACCRUED EXP                  .00



F1-HELP   F2-DOC INQ   F5-NEXT   F9-INTERRUPT   ENTER-INQUIRE   CLEAR-EXIT
```

13:33:24 Monday, July 29, 2019

Q.15(a) PERB's Interagency Reprogramming FY2019 and FY2020

S061 V2.1 PRD DISTRICT OF COLUMBIA R*STARS 2.1 07/29/19 01:31 PM
LINK TO: ____ AGENCY BUDGET FINANCIAL INQUIRY DSNF

AGENCY: BA0 AY: 19 ORG CODE: 1000 PGM CODE: 1090 FUNC CODE: ____
AP FUND: ____ FUND: 0100 GRANT/PH: _____ __ PROJECT/PH: _____ __
COMP SRC/GRP: 0014 OBJ/COBJ/AGY OBJ: ____ ____ ____ AGY OBJ GROUP: __
ORG LEVEL: 02 AGENCY MGMT PROGRAM (CC)
PGM LEVEL: 02 PERFORMANCE MANAGEMENT
FUNC LEVEL:
INQ TYPE: MC (MA, YA, MY, YY, MC, YC) DETAIL/SUMMARY: D
INQ YEAR: 19 INQ MONTH: 10 ADJUSTED BUDG: 70,451.00
BUDGET AVAIL: 15,486.01- BUDG % AVAIL: .00
EXPEND/BUDG %: 121.98 ALLOT/BUDG %: 0.00
ALLOTMENT BAL: 85,937.01- UNEXPND ALLOT: 85,937.01-

| BT | TITLE | AMOUNT | BT | TITLE | AMOUNT |
|---|---|---|---|---|---|
| 09 | ORIG EXP BU | 70,451.00 | | | |
| 15 | CASH EXPEND | 90,355.50 | | | |
| 17 | ACCRUED EXP | 4,418.49- | | | |

F1-HELP F2-DOC INQ F5-NEXT F9-INTERRUPT ENTER-INQUIRE CLEAR-EXIT

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**
OFFICE OF THE CHIEF FINANCIAL OFFICER
GOVERNMENT OPERATIONS CLUSTER
OFFICE OF FINANCE AND RESOURCE MANAGEMENT

**MEMORANDUM**

**To:** Alana Intrieri
Director, Office of Policy and Legislative Affairs

**Thru:** Angelique Rice
Associate Chief Financial Officer
Government Operations Cluster

**From:** Clarene Martin
Executive Director
Public Employee Relations Board

**Date:** September 5, 2019

**Subject:** Request for Reprogramming of Local Funds in the Public Employee Relations Board

---

This memo is to request a reprogramming in the amount of $140,000.00 (Local Funds) within the Public Employee Relations Board's FY 2019 budget.

**Why are the funds needed?**

The funds are needed for non-personal cost activities as well as to align a portion of the personal services expenses with the budget. The funding will be used to furnish a training and conference room, supplies, and training-related travel cost including refresher management training for the Executive Director.

**Is this a reprogramming to restore a budget cut authorized by the Mayor and/or Council?**

No, this reprogramming does not restore a budget cut authorized by the Mayor or the Council.

**What hardship will the District face if the action is postponed until the subsequent fiscal year?**

This reprogramming will cover non-personal costs necessary for ongoing agency operations. Without this reprogramming, the agency will not be able to provide training for its employees and will not have basic operational supplies.

**How will the funds be reprogrammed?**

The funds will be reprogrammed as follows:

From: Performance Management - Comp. Object 0111

To: Legal Support - Comp. Objects 0111, 0402, 0701; Court Appeals – Comp. Object 0201; Public Employee Relations Board – Comp. Object 0427

**Why are the funds available?**

The funds are available due to salary lapses.

**What programs, services, or other purchases will be delayed as a result of the action, and impact on the program or agency?**

No programs, services or other purchases will be delayed as a result of this action.

Should you have any questions, please contact:

Paul K. Blake, Agency Fiscal Officer, Government Operations Cluster 202-727-9833.

Q.16(a) PERB's INTRA-AGENCY Reprogramming FY2109 and FY2020

**Attachment A -- Local (0100)** **Reprogramming Budget Request/SOAR Budget Entry Form**

| Government of the District of Columbia | Originating Agency Name and Code: Public Employee Relations Board - CG0 | Fund and Code: Local funds (0100) |
|---|---|---|
| APPROVAL REQUIRED FOR THE FOLLOWING: | APPROVAL LEVEL: | Agency Director: Sharon Hartung |
| | | Agency CFO: Paul K. Blake |
| | | Associate CFO: Angelique Rice |
| | | Budget Fiscal Year: 2019 |

| | | | |
|---|---|---|---|
| | Shift Between Agencies | | Agency |
| X | Shift Between Activities | X | OBP |
| X | Shift Between Programs | | DC Council |

Budget Reprogramming Amount Requested: $140,000.00

Prepared By: Paul K. Blake

DATE: 09/05/19

| ORG Code | Program Code | Program Name | PCA | Index | Object | Object Class | Original Budget Amount | Current Budget Amount | Amount of Decrease (-) | Amount of Increase (+) | Revised Budget Amount |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1090 | 1090 | Performance Management | 11090 | 11090 | 0111 | 0111 | $316,983.32 | $316,983.32 | ($140,000.00) | | $176,983.32 |
| 2001 | 2001 | Legal Support | 12001 | 20001 | 0111 | 0111 | $136,244.28 | $136,244.28 | | $75,000.00 | $211,244.28 |
| 2002 | 2002 | Court Appeals | 12002 | 20002 | 0201 | 0201 | $5,000.00 | $5,000.00 | | $10,000.00 | $15,000.00 |
| 2001 | 2001 | Legal Support | 12001 | 20001 | 0402 | 0402 | $0.00 | $0.00 | | $5,000.00 | $5,000.00 |
| 2003 | 2003 | Public Employee Relations Board | 12003 | 20003 | 0427 | 0427 | $15,600.00 | $15,600.00 | | $4,200.00 | $19,800.00 |
| 2001 | 2001 | Legal Support | 12001 | 20001 | 0701 | 0701 | $0.00 | $0.00 | | $45,800.00 | $45,800.00 |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
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| | | | | | | | | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| TOTAL | | | | | | | $473,827.60 | $473,827.60 | ($140,000.00) | $140,000.00 | $473,827.60 |

**Justification of Reprogramming Proposal:**

The Public Employee Relations Board is reprogramming vacancy savings to its NPS budget to cover expenditures as well as to align the budget properly within its PS budget.

**For OBP Use Only:**

Approvals

| TASK | NAME | DATE | TITLE | PHONE |
|---|---|---|---|---|
| Keyed in SOAR By: | | | | |
| Released in SOAR By: | | | | |
| Approved By: | | | | |
| (If Applicable) Override Approved | | | | |

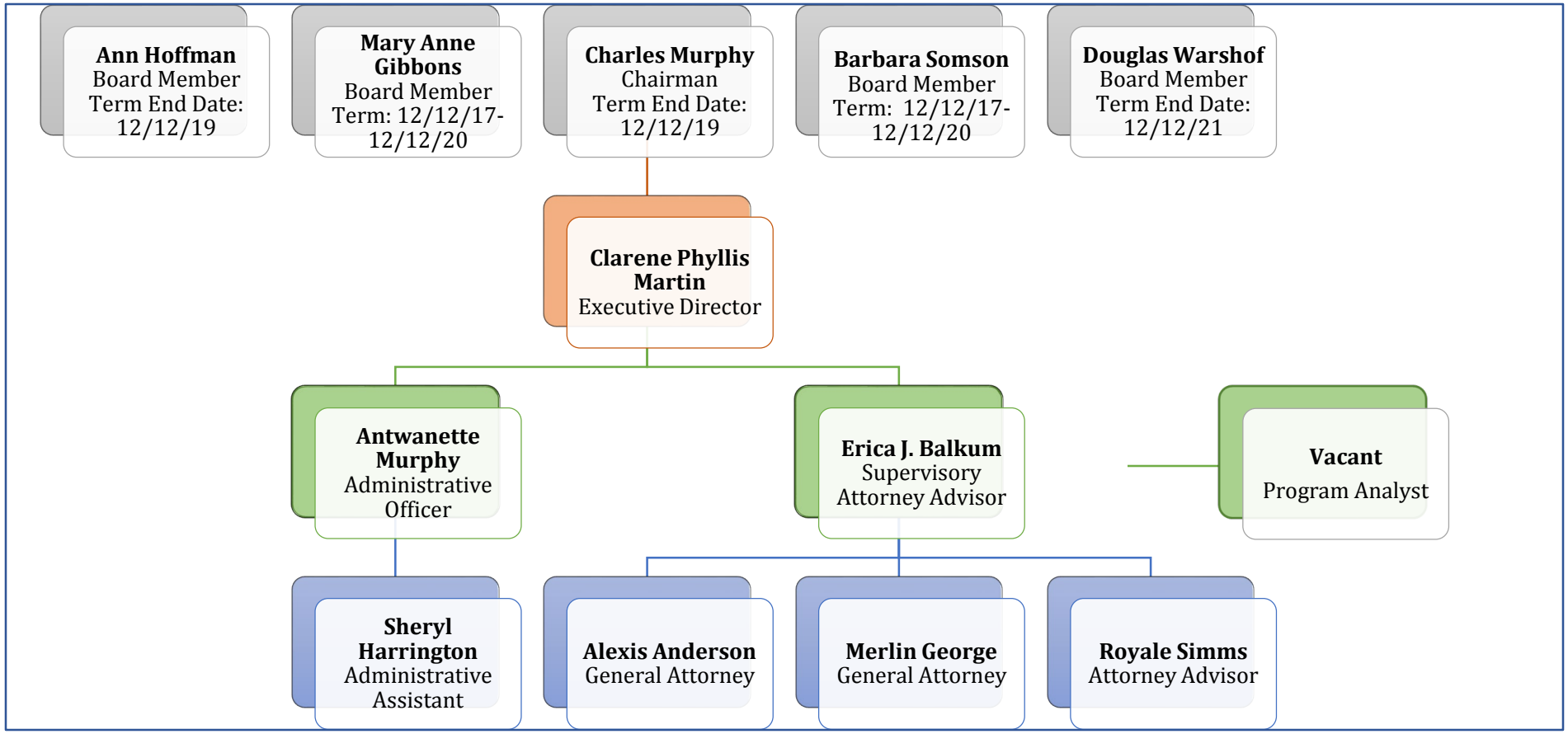
| Document Information (For OBP Use Only) | |
|---|---|
| Doc Number: | |
| Batch Type: | |
| Batch Agency: | |
| Doc Date: | |
| Effective Date: | |
| MPCD Code: | |

| EMPLOYEE NAME | DATE OF EXPENDITURE | Vendor/Merchant Name | Dollar/Transaction Amount | Transaction Notes |
|---|---|---|---|---|
| | | | | |
| Andrea Lozada | 06/04/2019 | AMERICAN RED CROSS | 1,090.00 | Purchase from American Red Cross for CPR training. |
| Andrea Lozada | 06/15/2019 | ASS'N OF LABOR REL. AG | 2,750.00 | Purchase for the Annual Association of Labor Relation Agencies Conference. |
| Andrea Lozada | 06/04/2019 | CARAHSOFT TECHNOLOGY C | 2,550.96 | Purchase from Carahsoft for Time Matters filing software. |
| Andrea Lozada | 05/08/2019 | FMCS | 3,000.00 | Purchased training from FMCS for three attorney-advisors (3). |
| Andrea Lozada | 06/04/2019 | IRON MOUNTAIN | 981.62 | Purchase from Iron Mountain for maintenance and filing fees. |
| Andrea Lozada | 06/17/2019 | SOUTHWEST | 176.02 | Purchase of airline ticket for conference. |
| Andrea Lozada | 06/17/2019 | SOUTHWEST | 176.02 | Purchase of airline ticket for conference. |
| Andrea Lozada | 06/17/2019 | SOUTHWEST | 176.02 | Purchase of airline ticket for conference. |
| Andrea Lozada | 06/03/2019 | STANDARD OFFICE SUPPLY | 1,582.25 | Office Supplies |
| Andrea Lozada | 06/03/2019 | STANDARD OFFICE SUPPLY | 1,713.47 | Office Supplies |
| Andrea Lozada | 06/04/2019 | STANDARD OFFICE SUPPLY | 83.90 | Office Supplies |
| Andrea Lozada | 06/05/2019 | STANDARD OFFICE SUPPLY | 77.51 | Office Supplies |
| Andrea Lozada | 06/05/2019 | STANDARD OFFICE SUPPLY | 228.91 | Office Supplies |
| Andrea Lozada | 06/06/2019 | STANDARD OFFICE SUPPLY | 139.88 | Office Supplies |
| Andrea Lozada | 06/13/2019 | STANDARD OFFICE SUPPLY | 27.55 | Office Supplies |
| Andrea Lozada | 07/10/2019 | STANDARD OFFICE SUPPLY | 447.36 | Office Supplies |
| Andrea Lozada | 07/19/2019 | STANDARD OFFICE SUPPLY | 83.39 | Office Supplies |
| Andrea Lozada | 04/30/2019 | SUPERIOR COURIERS LLC | 78.00 | Courier Services |
| Andrea Lozada | 05/02/2019 | SUPERIOR COURIERS LLC | 104.00 | Courier Services |
| Andrea Lozada | 06/06/2019 | SUPERIOR COURIERS LLC | 78.00 | Courier Services |
| Andrea Lozada | 07/09/2019 | SUPERIOR COURIERS LLC | 52.00 | Courier Services |
| Andrea Lozada | 06/04/2019 | THOMSON WEST | 3,475.88 | Purchase from Thompson Reuters for West Law, an essential program needed for labor lawyers at agency. |
| Andrea Lozada | 05/22/2019 | USPS PO 1049870271 | 62.19 | Postage/Postage Scale |
| Andrea Lozada | 07/09/2019 | VH SIGN COMPANY | 47.00 | Printing and Duplicating Services |
| Andrea Lozada | 06/05/2019 | VISTAPR*VISTAPRINT.COM | 88.19 | Laminate labor law and employee rights posters. |
| Andrea Lozada | 07/23/2019 | WESTIN CINCINNATI | 165.68 | ALRA Conference in OH. |
| Andrea Lozada | 07/24/2019 | WESTIN CINCINNATI | 423.00 | Lodging for Attorney-ALRA Conference |
| Andrea Lozada | 07/24/2019 | WESTIN CINCINNATI | 423.00 | Lodging for Attorney-ALRA Conference |
| Andrea Lozada | 07/24/2019 | WESTIN CINCINNATI | 423.00 | Lodging for Attorney-ALRA Conference |
| Andrea Lozada | 08/22/2019 | WESTIN CINCINNATI | (165.68) | ALRA Conference out of town-Reversal of charge (charge error). |
| Antwanette Murphy | 10/15/2019 | AMTRAK .CO28 | 257.00 | ALRA Conference Planning Session |
| Antwanette Murphy | 12/24/2019 | CALVIN PRICE GROUP | 1,250.00 | Office Training Room Surplus Delivery |
| Antwanette Murphy | 09/19/2019 | CAPITAL SERVICES & SUP | 350.00 | Surplus property set-up; removal/delivery-Media Room; |
| Antwanette Murphy | 11/05/2019 | CAPITAL SERVICES & SUP | 990.00 | Surplus property removal/delivery-Training Room. |
| Antwanette Murphy | 09/19/2019 | CHICAGO BOOKS & JOURNA | 156.00 | Legal Manual and Online Research material/Publication. |

| | | | | |
|---|---|---|---|---|
| Antwanette Murphy | 09/20/2019 | IRON MOUNTAIN | 514.42 | Legal Documents Storage |
| Antwanette Murphy | 09/20/2019 | IRON MOUNTAIN | 554.38 | Legal Documents Storage |
| Antwanette Murphy | 10/31/2019 | IRON MOUNTAIN | 284.78 | Legal Documents Storage-INV BZSX524-OCT |
| Antwanette Murphy | 11/09/2019 | IRON MOUNTAIN | 284.78 | Legal Documents Storage-INV CCJS617 |
| Antwanette Murphy | 09/12/2019 | METRO 083-WATERFRONT | 25.00 | Metro FareCard |
| Antwanette Murphy | 11/25/2019 | METRO 083-WATERFRONT | 22.00 | PERB Farecard-Office |
| Antwanette Murphy | 11/26/2019 | METRO FARE AUTOLOAD | 15.00 | METRO FAIR-BD |
| Antwanette Murphy | 11/05/2019 | MICHAEL MATTERS, INC. | 1,950.00 | LEGAL OL Maintenance/Support-Computer, Hardware, Software and Peripherals |
| Antwanette Murphy | 09/13/2019 | PITNEY BOWES PI | 4.27 | Postage/Postage Scale |
| Antwanette Murphy | 09/19/2019 | QUICK MESSENGER SERVIC | 138.20 | Courier Services |
| Antwanette Murphy | 11/28/2019 | STAMPS.COM | 38.16 | MAIL SCALE AND SUPPLIES |
| Antwanette Murphy | 12/27/2019 | STAMPS.COM | 19.07 | Postage/Postage Scale/Supplies |
| Antwanette Murphy | 11/05/2019 | STANDARD OFFICE SUPPLY | 149.74 | Office Supplies |
| Antwanette Murphy | 11/05/2019 | STANDARD OFFICE SUPPLY | 242.58 | Office Supplies |
| Antwanette Murphy | 11/21/2019 | STANDARD OFFICE SUPPLY | 171.36 | Office Supplies |
| Antwanette Murphy | 09/12/2019 | SUPERIOR COURIERS LLC | 208.00 | Courier Services |
| Antwanette Murphy | 11/07/2019 | SUPERIOR COURIERS LLC | 26.00 | Courier Services |
| Antwanette Murphy | 11/07/2019 | SUPERIOR COURIERS LLC | 112.00 | Courier Services |
| Antwanette Murphy | 12/16/2019 | SUPERIOR COURIERS LLC | 84.00 | Courier Services |
| Antwanette Murphy | 09/03/2019 | USPS PO 2309360715 | 55.00 | US Postal Services-Government |
| Antwanette Murphy | 10/30/2019 | VERITAS CONSULTING GRO | 1,330.00 | Veritas Security Camera/Door System. |
| Antwanette Murphy | 09/18/2019 | WWW.AMANET.ORG | 2,079.00 | AMA Training for Executive Director |
| Antwanette Murphy | 10/30/2019 | WWW.AMANET.ORG | 1,984.00 | Attorney-AMERICAN MGMT ASSOC Training -EB |
| Najibah Almahdi | 11/20/2018 | AMERICAN BAR ASSOCIATI | 450.00 | ABA Conference: Lindsey Maxwell |
| Najibah Almahdi | 11/27/2018 | ARNOLD ENGRAVERS | 37.50 | MISCELLANEOUS AND SPECIALTY RETAIL STORES-Name Plate |
| Najibah Almahdi | 12/12/2018 | BUYONLINENOW.COM | 205.33 | Lectern Base for Board Meetings |
| Najibah Almahdi | 01/08/2019 | DISPUTE CREDIT | (3,779.00) | Furniture Purchase |
| Najibah Almahdi | 01/08/2019 | DISPUTE CREDIT | (3,779.00) | Furniture Purchase |
| Najibah Almahdi | 02/04/2019 | DISPUTE REBILL | 3,779.00 | Furniture Purchase |
| Najibah Almahdi | 02/04/2019 | DISPUTE REBILL | 3,779.00 | Furniture Purchase |
| Najibah Almahdi | 12/12/2018 | HANCOCK & MOORE, INC | 3,779.00 | EQUIP FURNITURE HOME FURNSHNGS STRS (EXCPT APPL) |
| Najibah Almahdi | 12/12/2018 | HANCOCK & MOORE, INC | 3,779.00 | EQUIP FURNITURE HOME FURNSHNGS STRS (EXCPT APPL) |
| Najibah Almahdi | 11/02/2018 | HILTON HOTELS | (313.25) | Refund Processed |
| Najibah Almahdi | 11/02/2018 | HILTON HOTELS | 313.25 | Mistake Captured. Reimbursed on transaction list in a separate line item for exact amount |
| Najibah Almahdi | 11/02/2018 | HILTON HOTELS | 521.70 | Hotel/ Travel for Lindsey Maxwell Conference |
| Najibah Almahdi | 11/02/2018 | HILTON HOTELS | 1,253.00 | Travel/Hotel for Lindsey Maxwell |
| Najibah Almahdi | 11/11/2018 | HILTON HOTELS | 99.66 | Hotel for Lindsey Maxwell Conference |
| Najibah Almahdi | 02/22/2019 | IRON MOUNTAIN | 229.64 | Outside Case Filing Facility |
| Najibah Almahdi | 02/23/2019 | IRON MOUNTAIN | 229.64 | Outside Case Filing Facility |
| Najibah Almahdi | 12/13/2018 | IRON MOUNTAIN | 688.92 | Legal Documents Storage-Offsite Facility |
| Najibah Almahdi | 02/26/2019 | LEGAL BLUEBOOK BLUEBOO | 49.36 | PERB-Legal Blue Book Reference- RS |
| Najibah Almahdi | 02/27/2019 | METRO 083-WATERFRONT | 32.00 | Board Member Metro Card |
| Najibah Almahdi | 03/11/2019 | METRO 083-WATERFRONT | 18.00 | Board Member Metro Card |
| Najibah Almahdi | 03/15/2019 | METRO FARE AUTOLOAD | 20.00 | Board Member Metro Card |
| Najibah Almahdi | 11/19/2018 | METRO FARE AUTOLOAD | 30.00 | Board Member Metro Card |

| | | | | |
|---|---|---|---|---|
| Najibah Almahdi | 11/30/2018 | NEAL R. GROSS & CO., I | 826.80 | Professional Services-Transcription Services for Hearings |
| Najibah Almahdi | 11/30/2018 | NEAL R. GROSS & CO., I | 932.80 | Professional Services-Transcription Services for Hearings |
| Najibah Almahdi | 02/28/2019 | QUICK MESSENGER SERVIC | 37.74 | Courier Service |
| Najibah Almahdi | 06/21/2019 | QUICK MESSENGER SERVIC | 38.37 | Courier Service |
| Najibah Almahdi | 11/26/2018 | QUICK MESSENGER SERVIC | 25.00 | Courier Service |
| Najibah Almahdi | 02/25/2019 | STANDARD OFFICE SUPPLY | 650.60 | Office Supplies |
| Najibah Almahdi | 02/27/2019 | STANDARD OFFICE SUPPLY | 223.62 | Office Supplies |
| Najibah Almahdi | 03/01/2019 | STANDARD OFFICE SUPPLY | 109.17 | Office Supplies |
| Najibah Almahdi | 03/11/2019 | STANDARD OFFICE SUPPLY | 2,240.47 | Office Supplies |
| Najibah Almahdi | 09/27/2018 | STANDARD OFFICE SUPPLY | 1,337.66 | Office Supplies |
| Najibah Almahdi | 10/24/2018 | STANDARD OFFICE SUPPLY | 298.66 | Office Supplies |
| Najibah Almahdi | 10/25/2018 | STANDARD OFFICE SUPPLY | 44.38 | Office Supplies |
| Najibah Almahdi | 11/30/2018 | STANDARD OFFICE SUPPLY | 69.74 | Office Supplies |
| Najibah Almahdi | 12/18/2018 | STANDARD OFFICE SUPPLY | 87.00 | Office Supplies |
| Najibah Almahdi | 02/22/2019 | SUPERIOR COURIERS LLC | 78.00 | Courier Service |
| Najibah Almahdi | 02/22/2019 | SUPERIOR COURIERS LLC | 136.00 | Courier Service |
| Najibah Almahdi | 03/14/2019 | SUPERIOR COURIERS LLC | 156.00 | Courier Service |
| Najibah Almahdi | 11/09/2018 | SUPERIOR COURIERS LLC | 52.00 | Courier Service |
| Najibah Almahdi | 12/12/2018 | SUPERIOR COURIERS LLC | 156.00 | Courier Service |
| Najibah Almahdi | 09/28/2018 | THOMSON WEST | 42.25 | Professional Services-Black's Law Dictionary |
| Najibah Almahdi | 09/28/2018 | TM TECHNOLOGIES | 2,104.63 | Office Equipment/Supplies-Scanner: RS; Printer: SH; Computer: SH |
| Najibah Almahdi | 12/27/2018 | TM TECHNOLOGIES | 1,999.98 | (2) New Laptops |
| Najibah Almahdi | 11/29/2018 | USPS PO 1049480240 | 30.00 | Stamps |
| Najibah Almahdi | 02/27/2019 | ZOLL MEDICAL CORP | 1,447.37 | Red Cross AED Machine |

# Q.21-PUBLIC EMPLOYEE RELATIONS BOARD ORGANIZATIONAL CHART as of January 15, 2020



**SUPERIOR COURT OF THE DISTICT OF COLUMBIA**

**CIVIL DIVISION**

| | | |
|---|---|---|
| DISTRICT OF COLUMBIA METROPOLITAN POLICE DEPARTMENT<br><br>Petitioner,<br><br>v.<br><br>DISTRICT OF COLUMBIA PUBLIC EMPLOYEE RELATIONS BOARD<br><br>Respondent. | ) | Case No. 2016 CA 008659 P(MPA)<br><br>Judge Hon. John M. Campbell |

**ORDER**

This matter comes before the Court on the District of Columbia Metropolitan Police Department's ("MPD") Petition for Review of Agency Decision pursuant to Super. Ct. Agency Rev. R. 1. For the reasons discussed below, the Court holds that the District of Columbia Public Employee Relations Board's ("PERB") decision is OVERTURNED.

## I. PROCEDURAL HISTORY

MPD seeks reversal of a PERB ruling affirming an arbitration award issued in Grievant Officer Justin Linville's favor. MPD issued its Final Notice of Adverse Action on November 2, 2009, terminating Officer Linville's employment. According to Officer Linville, he was never properly served with the notice, and did not obtain a copy until January 12, 2010. The PERB and Intervenor Fraternal Order of Police/Metropolitan Police Department Labor Committee ("Union" or "Intervenor") maintain that MPD's allegedly defective service violated the 55-day notice provision in the applicable Collective Bargaining Agreement. In light of these facts, an Arbitrator ultimately found that MPD violated the Collective Bargaining Agreement and,

therefore, Officer Linville's termination must be reversed. The PERB upheld the Arbitrator's decision.

After learning of his impending termination, Officer Linville sought to exercise his right to appeal MPD's decision. There are essentially two routes a grievant may take to appeal an adverse decision—(1) he may appeal the agency decision to the District of Columbia Office of Employee Appeals ("OEA"); or (2) with the support of the Union, he may appeal the decision to the Chief of Police and, if not satisfied, demand arbitration. *See* D.C. Code § 1-616.52(e) (2018) (allowing the aggrieved employee to pursue an OEA appeal or the negotiated grievance procedure, "but not both"). Pursuant to D.C. Code § 1-616.52(f):

> An employee shall be deemed to have exercised their option pursuant to subsection (e) of this section to raise a matter either under the applicable statutory procedures or under the negotiated grievance procedure at such time as the employee timely files an appeal under this section or timely files a grievance in writing in accordance with the provision of the negotiated grievance procedure applicable to the parties, *whichever event occurs first*. (emphasis added)

The central fact in this case is that Officer Linville initially chose to utilize the OEA appeal process. More than a year later, he voluntarily withdrew his OEA appeal to pursue the arbitration process contemplated in the Collective Bargaining Agreement. Before this matter went to arbitration, MPD challenged the Arbitrator's jurisdiction because, pursuant to the D.C. Code, Officer Linville had chosen his exclusive avenue through which to appeal the agency decision – the OEA appeals process. Intervenor argued, and the Arbitrator agreed, however, that the particular notice issue in this case put Linville in a compromised position in which he was effectively deprived of sufficient time in which to decide which appeals process to pursue. The PERB upheld the Arbitrator's reasoning, stating that the Arbitrator did not exceed his jurisdiction

in deciding the arbitrability issue and that the award entered was not contrary to public policy or the law.

## II. STANDARD OF REVIEW

The District of Columbia Superior Court has jurisdiction to review a final decision of a District of Columbia agency. *See* Super. Ct. Agency Rev. R. 1. The Court is prohibited, however, from substituting its own judgment for that of the agency. *Kegley v. District of Columbia*, 440 A.2d 1013, 1018 (D.C. 1982) (citing *Jones v. Police and Firemen's Retirement and Relief Board*, 375 A.2d 1 (D.C. 1977)). Rather, the Court generally gives deference to decisions rendered by administrative agencies. *Am. Broad. Cos., Inc. v. District of Columbia Dep't of Employment Servs.*, 822 A.2d 1085, 1088 (D.C. 2003) (citing *Springer v. District of Columbia dep't of Employment Servs.*, 743 A.2d 1213 (D.C. 1999)). This is done through examination of the administrative record "to determine if there has been procedural error, if there is substantial evidence in the record to support the action of the agency, or if the action is in some manner otherwise arbitrary, capricious, or an abuse of discretion." *Kegley*, 440 A.2d at 1019. Substantial evidence is defined as such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. *See Larry v. Nat'l Rehab. Hosp.*, 973 A.2d 180, 183 (D.C. 2009) (citing *Rodriguez v. Filene's Basement Inc.*, 905 A.2d 177, 180-81 (D.C. 2006)). Further, it is not the Court's function to retry the facts or rehear the evidence. *Hahn v. Univ. of the Dist. of Columbia*, 789 A.2d 1252, 1256 (D.C. 2002). The Court will normally defer to the agency's decision so long as the findings flow "rationally from the facts" and are "supported by substantial evidence." *Am. Broad. Cos., Inc.*, 822 A.2d at 1089.

When reviewing PERB's decision, "[t]he findings of the Board with respect to questions of fact shall be conclusive if supported by substantial evidence on the record considered as a

whole." D.C. Code § 1-617.13(b) (2018). When the Court's review extends beyond factual findings to legal conclusions, however, it reviews those conclusions "*de novo*, as '[the Court is] presumed to have the greater expertise when the agency's decision rests on a question of law.'" *Washington Metro. Area Transit Auth. v. District of Columbia Dep't. of Emp't. Services*, 683 A.2d 470, 472 (D.C. 1996) (quoting *Harris v. District of Columbia Office of Worker's Comp.*, 660 A.2d 404, 407 (D.C. 1995)).

## III. ANALYSIS

The Court need not reach the merits of the Arbitrator's decision and the PERB's subsequent affirmance of that decision. As a threshold matter, the Arbitrator lacked the necessary jurisdiction to consider Officer Linville's appeal. Therefore, the consideration of this case through the arbitration process was unlawful and the PERB's decision must be overturned.

Both the PERB and Intervenor make arguments regarding the unique circumstances presented here, concerning the alleged service issue and the supposed effect this had on Officer Linville's ability to meaningfully choose one review option over another. These arguments, however, are unavailing. First, the statutory language is clear and provides no exceptions: an aggrieved employee may elect an OEA appeal or a negotiated grievance procedure (including arbitration) "<u>but not both</u>," D.C. Code §1-616.52(e) (emphasis added); and the employee is "deemed to have exercised [his] option" under that provision – to select one or the other avenue – "at such time as" the employee files his OEA appeal <u>or</u> pursues the grievance procedure, "<u>whichever event occurs first</u>," *Id* §1-616(52)(f) (emphasis added). Officer Linville was able to make a choice, and did so – he chose the OEA appeals process. Under the statute, he must be held to that choice. Since the grievance process he later pursued, which culminated in the

arbitrator's decision, was unauthorized, the Arbitrator lacked authority to enter any decision at all.

Second, even if one were to assume that the Arbitrator had some limited authority to make findings regarding his own jurisdiction, the key finding here – namely, that because MPD failed to timely serve the notice of termination, Officer Linville did not have enough time to consider his options – does not follow logically from the record. Essentially, the Arbitrator found that MPD failed ever to serve Officer Linville with its final notice of adverse action; that Officer Linville just happened to find out about the decision on January 12, 2010, seven days before the deadline to file an OEA appeal (which deadline was 30 days after the supposed effective date of the notice); and that in the time available he decided to file a "protective" appeal with OEA, which he then withdrew once arbitration had begun.[1] The Arbitrator concluded that the shortened time period for deciding which grievance avenue to pursue effectively released Officer Linville from the invariant statutory mandate.

Even putting aside that there is no legal basis for such a conclusion, it seems to address the wrong question. Office Linville did not argue that he was served too late to meaningfully exercise his statutory right to choose; he argued that he was never served at all. The nature of such a claim of non-service surely is that it can be asserted at any time, whenever it arises, whether before or after any deadline, and without regard to it. If, for example, having never been served (as he claims) he had accidently learned of his termination after the January deadline for appealing, it seems unarguable under basic notions of fairness and due process that he still could have appealed, on the ground that the time period in question should be considered never to have started to run. This in turn means, however, that once he did make his initial and (under the

[1] Notably, he did not withdraw the OEA appeal until November 2012, long after the arbitration had commenced.

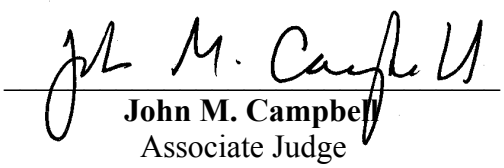
statute) exclusive choice to pursue an OEA appeal, it is fair to hold him to it. After all, that appeal included his argument that he had never received proper notice as required by law. The Arbitrator's "jurisdictional" finding that Office Linville had no meaningful choice, then, is unsupported and in fact is inconsistent with the nature of the Officer's argument.

Therefore, it is this 23rd day of October, 2018, hereby

**ORDERED**, that the Court finds in favor of Petitioner MPD; and it is further

**ORDERED**, that the PERB's decision is OVERTURNED; and it is further

**ORDERED**, that Officer Linville must seek a remedy through the OEA appeals process, which he chose to pursue first.



**John M. Campbell**
Associate Judge

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