

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.

Summary of Services	<p>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.</p>
----------------------------	---

2020 Accomplishments

Accomplishment	Impact on Agency	Impact on Residents
No accomplishments found		

2020 Key Performance Indicators

Measure	Frequency	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Target	FY 2020 Quarter 1	FY 2020 Quarter 2	FY 2020 Quarter 3	FY 2020 Quarter 4	FY 2020 Actual	KPI Status	Explanation for Unmet 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	Annually	100%	64.9%	63.2%	50%	Annual Measure	Annual Measure	Annual Measure	Annual Measure	42.3%	New in 2020	As a result of COVID-19, PERB had to transition from in person to fully virtual mediations and hearings. In order to do this, PERB had to obtain all the necessary tools and platforms, as well as train our mediators and hearings on conducting virtual mediations and hearings.
Percent of cases not requiring a hearing that are resolved within 120 days	Annually	New in 2020	New in 2020	New in 2020	New in 2020	Annual Measure	Annual Measure	Annual Measure	Annual Measure	52.9%	New in 2020	
Percent of cases referred to the Board with a Decision within 120 days	Annually	New in 2020	New in 2020	New in 2020	New in 2020	Annual Measure	Annual Measure	Annual Measure	Annual Measure	96.8%	New in 2020	
2 - Assist parties in reaching mutually agreed resolutions of disputes (2 Measures)												
Number of mediations conducted	Annually	New in 2020	New in 2020	New in 2020	New in 2020	Annual Measure	Annual Measure	Annual Measure	Annual Measure	47	New in 2020	
Number of settlements resulting from mediation	Annually	New in 2020	New in 2020	New in 2020	New in 2020	Annual Measure	Annual Measure	Annual Measure	Annual Measure	12	New in 2020	
3 - Provide labor-management training (1 Measure)												
Number of training sessions conducted	Annually	New in 2020	New in 2020	New in 2020	New in 2020	Annual Measure	Annual Measure	Annual Measure	Annual Measure	4	New in 2020	
4 - Maintain a system to allow the public to have access to all decisions rendered by PERB (2 Measures)												

Measure	Frequency	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Target	FY 2020 Quarter 1	FY 2020 Quarter 2	FY 2020 Quarter 3	FY 2020 Quarter 4	FY 2020 Actual	KPI Status	Explanation for Unmet FY 2020 Target
Percent of decisions uploaded to PERB's website within 60 days	Annually	New in 2020	New in 2020	New in 2020	New in 2020	Annual Measure	Annual Measure	Annual Measure	Annual Measure	74.2%	New in 2020	
Percent of Board decisions published in the D.C. Register within 60 days of issuance	Annually	New in 2020	New in 2020	New in 2020	New in 2020	Annual Measure	Annual Measure	Annual Measure	Annual Measure	54.8%	New in 2020	

2020 Workload Measures

Measure	FY 2018 Actual	FY 2019 Actual	FY 2020 Quarter 1	FY 2020 Quarter 2	FY 2020 Quarter 3	FY 2020 Quarter 4	FY 2020
1 - Decisions and Orders (12 Measures)							
Number of total cases closed in Fiscal Year	96	58	Annual Measure	Annual Measure	Annual Measure	Annual Measure	47
Number of total cases filed with PERB in Fiscal Year	81	51	Annual Measure	Annual Measure	Annual Measure	Annual Measure	55
Number of Arbitration Review Requests filed with PERB in Fiscal Year	19	11	Annual Measure	Annual Measure	Annual Measure	Annual Measure	8
Number of cases that held a hearing in Fiscal Year	8	12	Annual Measure	Annual Measure	Annual Measure	Annual Measure	9
Number of Representation cases filed with PERB in Fiscal Year	7	2	Annual Measure	Annual Measure	Annual Measure	Annual Measure	2
Number of Negotiability cases filed with PERB in Fiscal Year	6	1	Annual Measure	Annual Measure	Annual Measure	Annual Measure	0
Number of Non-Compensation Negotiation Impasse cases filed with PERB in Fiscal Year	1	2	Annual Measure	Annual Measure	Annual Measure	Annual Measure	0
Number of Compensation Negotiation Impasse cases filed with PERB in Fiscal Year	4	1	Annual Measure	Annual Measure	Annual Measure	Annual Measure	1
Number of Unfair Labor Practice Complaints filed in Fiscal Year	New in 2020	New in 2020	Annual Measure	Annual Measure	Annual Measure	Annual Measure	34
Number of Standards of Conduct Complaints filed in Fiscal Year	New in 2020	New in 2020	Annual Measure	Annual Measure	Annual Measure	Annual Measure	6
Number of Enforcement Petitions filed in Fiscal Year	New in 2020	New in 2020	Annual Measure	Annual Measure	Annual Measure	Annual Measure	4
Number of motions for reconsideration of Board decisions filed	New in 2020	New in 2020	Annual Measure	Annual Measure	Annual Measure	Annual Measure	6
3 - Trainings (1 Measure)							
Number of participants who completed training, outreach and facilitation activities	176	253	Annual Measure	Annual Measure	Annual Measure	Annual Measure	73
4 - Publishing (2 Measures)							
Number of cases uploaded to PERB's website	New in 2020	New in 2020	Annual Measure	Annual Measure	Annual Measure	Annual Measure	29
Number of cases published in the D.C. Register	New in 2020	New in 2020	Annual Measure	Annual Measure	Annual Measure	Annual Measure	31

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
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)			

Operations Header	Operations Title	Operations Description	Type of Operations
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

2020 Strategic Initiatives

Strategic Initiative Title	Strategic Initiative Description	Completion to Date	Status Update	Explanation for Incomplete Initiative
No strategic initiatives found				

Public Employee Relations Board FY2021

Agency Public Employee Relations Board

Agency Code CG0

Fiscal Year 2021

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 to reach mutually agreed resolutions of labor disputes to promote harmony between unions and District agencies
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.
4	Maintain a system to allow the public to have access to all decisions rendered by PERB

Key Performance Indicators

Measure	Directionality	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 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	64.9%	63.2%	42.3%	50%
Percent of cases not requiring a hearing that are resolved within 120 days	Up is Better	New in 2020	New in 2020	52.9%	75%
Percent of cases referred to the Board with a Decision within 120 days	Up is Better	New in 2020	New in 2020	96.8%	90%
2 - Assist parties to reach mutually agreed resolutions of labor disputes to promote harmony between unions and District agencies (2 Measures)					
Number of mediations conducted	Up is Better	New in 2020	New in 2020	47	40
Number of settlements resulting from mediation	Up is Better	New in 2020	New in 2020	12	12
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)					
Number of training sessions conducted	Up is Better	New in 2020	New in 2020	4	8
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	74.2%	100%
Percent of Board decisions published in the D.C Register within 60 days of issuance	Up is Better	New in 2020	New in 2020	54.8%	100%

Operations

Operations Header	Operations Title	Operations Description	Type of 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
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. (2 Activities)			
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
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
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 2018 Actual	FY 2019 Actual	FY 2020 Actual
1 - Decisions and Orders (12 Measures)			
Number of Unfair Labor Practice Complaints filed in Fiscal Year	New in 2020	New in 2020	34
Number of Standards of Conduct Complaints filed in Fiscal Year	New in 2020	New in 2020	6
Number of Enforcement Petitions filed in Fiscal Year	New in 2020	New in 2020	4
Number of motions for reconsideration of Board decisions filed	New in 2020	New in 2020	6
Number of total cases closed in Fiscal Year	96	58	47
Number of total cases filed with PERB in Fiscal Year	81	51	55
Number of Arbitration Review Requests filed with PERB in Fiscal Year	19	11	8
Number of cases that held a hearing in Fiscal Year	8	12	9
Number of Representation cases filed with PERB in Fiscal Year	7	2	2
Number of Negotiability cases filed with PERB in Fiscal Year	6	1	0
Number of Non-Compensation Negotiation Impasse cases filed with PERB in Fiscal Year	1	2	0
Number of Compensation Negotiation Impasse cases filed with PERB in Fiscal Year	4	1	1
3 - Trainings (1 Measure)			

Measure	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual
Number of participants who completed training, outreach and facilitation activities	176	253	73
4 - Publishing (2 Measures)			
Number of cases uploaded to PERB's website	New in 2020	New in 2020	29
Number of cases published in the D.C. Register	New in 2020	New in 2020	31

Strategic Initiatives

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

PERB BUDGET, FY2020 AND FY2021, AS OF JAN. 1, 2021 (Q9)

			FY2020 Approved budget	FY2020 Revised budget	FY2020 Expenditures	FY2020 Difference between Revised budget and Expenditures	Reason for any variation between revised budget and actual expenditures in FY2020 (Narrative)	FY2021 Approved budget	FY2021 Revised budget (as of Jan. 1, 2020)	FY2021 Q1 expenditures
Agency Management (1000)		Total \$								
		Federal \$								
		Local \$	1321488							
		SPR \$								
		ID \$								
	Information Technology (1040)	Total \$	23000							
	Performance Management (1090)	Total \$	248000							
Adjudication (2000)		Total \$								
		Federal \$								
		Local \$								
		SPR \$								
		ID \$								
	Legal Support (2001)	Total \$	526000							
	Court Appeals (2002)	Total \$	494000							
	Public Employee Relations Board (2003)	Total \$	29000							

PERB Non -Personnel Services Spending Plan Q10

Comp Source 20 Supplies Budget		
FY21 Budget \$9800	FY21 Prior to mid- year FY21 reductions	FY21 after mid-year FY21 Reductions
Office Supplies	\$ 9,700	\$ 9,700
Postage	\$ 100	\$ 100
Total	\$ 9,800.00	\$ 9,800.00

Comp Source 31 Telecommunications		
FY21 Budget \$30,297	FY21 Prior to mid- year FY21 reductions	FY21 after mid-year FY21 Reductions
Telecomm	\$ 30,297	\$ 30,297
Total	\$ 30,297	\$ 30,297

Comp Source 40 Professional Services		
FY21 Budget \$132024.92	FY21 Prior to mid- year FY21 reductions	FY21 after mid-year FY21 Reductions
Iron Mountain Document Storage	\$ 4,032.60	\$ 4,032.60
Imprest Fund* Estimate (Total Spending)	\$ 50.00	\$ 50.00
Time Matters Subscription	\$ 2,550.96	\$ 2,550.96
Michael Matter TM (David Michael)	\$ 4,000.00	\$ 4,000.00
Agency Specific Training	\$ 7,000.00	\$ -
Board Member Stipends	\$ 31,200.00	\$ 31,200.00
Board Member Transportation	\$ 900.00	\$ 450.00
Adobe Software	\$ 190.00	\$ 190.00
WebEx (Meeting and Training Modules)	\$ 400.00	\$ 400.00
Courier Services	\$ 2,000.00	\$ -
ALRA Membership	\$ 400.00	\$ 400.00
Hearings/Mediations	\$ 66,755.36	\$ 45,786.52
Employee Training	\$ 1,900.00	\$ 1,900.00
MOU -OCTO-Case Search Application	\$ 3,900.00	\$ 3,900.00
MOU with HR	\$ 6,746.00	\$ 6,746.00
Total	\$ 132,024.92	\$ 101,606.08

Comp Source 41 Contractual Services		
FY21 \$125,866.36	FY21 Prior to mid- year FY21 reductions	FY21 after mid-year FY21 Reductions
Webster & Fredrickson	\$ 80,000.00	\$ 60,000.00
WestPublishing/Thompson Reuters	\$ 11,299.20	\$ 11,299.20
Court Reporter	\$ 22,500.00	\$ 16,500.00
Commonwealth Digital Office-Printer Maintenance	\$ 2,067.16	\$ 600.00
Second Tuesdays	\$ 10,000.00	\$ 7,000.00
Total	\$ 125,866.36	\$ 95,399.20

Comp Source 70 Equipment \$10,000		
Vendors	FY21 Prior to mid- year FY21 reductions	FY21 after mid-year FY21 Reductions
IT Equipment (Laptops (s), Desktop and accessories)	\$ 10,000.00	\$ 10,000.00
Total	\$ 10,000.00	\$ 10,000.00

\$ 307,988.28 \$ 247,102.28



MEMORANDUM

Office of the Director

TO: Clarene P. Martin, Executive Director
Public Employee Relations Board

FROM: Nicole Cook, Chief Administrative Officer **nicole.cook@dc.gov**
DC Department of Human Resources **k@dc.gov**

DATE: Monday, October 5, 2020

SUBJECT: **FY2021 HR Services MOU**

Digitally signed by
nicole.cook@dc.gov
DN: cn=nicole.cook@dc.gov
Date: 2020.10.06 02:04:23
+04'00'

Each fiscal year, the DC Department of Human Resources (DCHR) collaborates with independent agencies by establishing Memoranda of Understanding (MOUs) for HR services. These MOUs are necessary to sustain staffing levels needed to support independent agencies and their employees.

Enclosed for your review is the FY21 Memorandum of Understanding (MOU) with DCHR. Please carefully review this document, have it signed by the appropriate party, and return it to Rolanda.Wilson2@dc.gov at DC Department of Human Resources by **Friday, October 16, 2020**.

Independent agencies that do not wish to execute an MOU with DCHR will be expected to perform their own HR functions independent of DCHR support. Agencies who currently receive HR support services from DCHR and do not provide a signed MOU by **Friday, October 16, 2020** will also be expected to perform their own HR functions independent of DCHR support, effective Monday, October 19, 2020.

We look forward to working with you in FY21. If you have any questions, please contact me at 202-316-8543 or Nicole.Cook@dc.gov.



MEMORANDUM OF UNDERSTANDING

BETWEEN

THE DISTRICT OF COLUMBIA PUBLIC EMPLOYEE RELATIONS BOARD

AND

THE DISTRICT OF COLUMBIA DEPARTMENT OF HUMAN RESOURCES

FOR FISCAL YEAR 2021

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 to other offices. 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 in *Attachment A*. For each service, DCHR shall provide policy guidance, data processing and customer service to PERB, its management staff, and its employees, when applicable.

B. RESPONSIBILITIES OF PERB

In support of the services listed in *Attachment A*, PERB shall:

1. Advance to DCHR \$6,746 (six thousand, seven hundred, forty-six dollars) 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 an PERB employee to serve as a Human Resources Advisor (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 an 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, 2020 through September 30, 2021, 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.

V. AUTHORITY FOR MOU

The authority for this MOU may be found at D.C. Official Code § 1-301.01(k).

VI. FUNDING PROVISIONS

A. COST OF SERVICES

1. Total cost for services under this MOU shall not exceed \$6,746 (six thousand, seven hundred, forty-six dollars)¹ for Fiscal Year 2021. Funding for services shall not exceed the actual cost of the goods and services.
2. The cost of this MOU is based upon the current average annual salary for an HR staff employed by DCHR multiplied by the standard ratio of HR staff to the current workforce.

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. DCHR shall receive the advance and bill PERB only for those goods and services actually provided pursuant to the terms of this MOU.
2. 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.
3. Advances to DCHR for the services to be performed and goods to be provided shall not exceed \$6,746 (six thousand, seven hundred, forty-six dollars) in Fiscal Year 2021.
4. DCHR shall receive the advance and bill PERB through the Intra-District process only for those services provided pursuant to the terms of this MOU. DCHR shall notify PERB within forty-five (45) days of the then current fiscal year if it has reason to believe that all of the advance will not be billed during

¹ FY2021 costs are based on the following calculation: The current average salary of the HR staff providing services under this MOU is \$80,314. The ratio of HR staff to the current workforce used for this MOU is 1.4 HR staff for every 100 employees. Given that PERB has a workforce of 6 employees, the resulting ratio is 0.084. The resulting formula is $0.084 \times \$80,314 = \$6,746$.

the fiscal year. DCHR shall return any excess advance to PERB within thirty (30) days of the end of that fiscal year.

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; (iii) D.C. Official Code § 47-105; and (iv) D.C. Official Code § 1-204.46, as the foregoing statutes 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 the 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, maintain, 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:

Nicole A. Cook, Chief Administrative Officer

DC Department of Human Resources

1015 Half Street, SE, 9th Floor

Washington DC 20003

(202) 316-8543

Clarene P. Martin, Executive Director

Public Employee Relations Board

1100 4th Street, SW, Suite 630 E

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 (D.C. Official Code § 2-351.01, *et. seq.*) 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 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.


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

FOR THE PUBLIC EMPLOYEE RELATIONS BOARD


Clarence P. Martin
Executive Director


Date

FOR THE DEPARTMENT OF HUMAN RESOURCES


Ventris C. Gibson
Director


Date



DC DEPARTMENT OF HUMAN RESOURCES

Attachment A - HR SUPPORT SERVICES

Benefits and Retirement Services

Administrative processing of employee benefits coverage
Access to wellness programs
Retirement counseling, calculations & processing
Retirement seminars

Recruitment and Staffing Services

Administrative processing of personnel actions
Posting of vacancy announcements
Rating and ranking of candidates
Targeted recruitment
Creation and maintenance of Official Personnel Folders
New Hire Orientation services

Classification and Compensation Services

Classification of newly created positions
Recertification of existing positions
Desk audits
Agency reorganizations or realignments
Establishment of compensation schedules
Processing of Within Grade Increases and COLAs

Strategic Data Management Services

PeopleSoft Access, Troubleshooting & Support
Customized PeopleSoft Training

Legal Review and Consultation Services

Risk mitigation guidance
Legal sufficiency review of nonstandard HR related documents

Policy Advisement Services

Management guidance on District Personnel Manual policies
Access to electronic DPM
Access to DPM Issuances and Administrative Orders

Employee Relations Services

Management guidance on the progressive discipline process
Guidance on FMLA/PFL policies and requirements
Access to templates and instructions
Management guidance on the grievance process and provide final level review of actual grievances, if applicable

Performance Management Services

Guidance on implementation of e-Performance
Management guidance on effective Performance
Management principles
Access to e-Performance training and technical assistance
Oversight of performance management plans & evaluations
Access to Performance Management appeals process

Learning and Development Services

Access to Learning & Development courses & e-learning
Access to tuition discounts for employees

INTRA-DISTRICT STANDARD REQUEST FORM
Government of the District of Columbia**PART I**MOU NUMBER: Services: HR Support Services for Independent Agencies

AMOUNT:

SELLER INFORMATIONAGENCY: Department of Human Resources

AGENCY CODE: BE0

NAME OF CONTACT: Nicole Cook, Chief Administrative OfficerADDRESS : 1015 Half Street, SE, 9th FloorWashington, DC 20003

TELEPHONE # : (202) 316-8543

FAX # :

AUTHORIZING OFFICER **BUYER INFORMATION**AGENCY:

AGENCY CODE:

NAME OF CONTACT: ADDRESS :

TELEPHONE # :

FAX # :

AUTHORIZING OFFICER **PLEASE SEE NEXT PAGE FOR GOODS/ SERVICES DESCRIPTION AND FUNDING INFORMATION**

PART II

MOU NUMBER:

SERVICE INFORMATION AND FUNDING CODES

GOOD/ SERVICE:

HR Support Services for Independent Agency

TOTAL:[illegible]

GOOD/ SERVICE:

[illegible]

GOOD/ SERVICE:

[illegible]

GOOD/ SERVICE:

[illegible]

PERB INTERAGENCY MOUS, FY2020 AND FY2021, INCLUDING ANTICIPATED MOUS (Q11b)

[illegible]

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: *for* Angelique Rice *C. Mark Dew*
Associate Chief Financial Officer
Government Operations Cluster

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

Kimberly Bassett *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.13(a) PERB's Interagency Reprogramming FY2020 and FY2021

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 - CGO		Fund and Code: Local funds (0100)	
APPROVAL REQUIRED FOR THE FOLLOWING:		APPROVAL LEVEL:		Agency Director: <i>Sharon Hester</i>	
<input checked="" type="checkbox"/> Shift Between Agencies <input type="checkbox"/> Shift Between Activities <input type="checkbox"/> Shift Between Programs		<input type="checkbox"/> Agency <input checked="" type="checkbox"/> OBP <input type="checkbox"/> DC Council		Agency CFO: <i>Paul K. Blake</i> Associate CFO: <i>Constance We</i>	
Budget Reprogramming Amount Requested: \$150,000.00				Budget Fiscal Year: 18	
Prepared By: Paul K. Blake				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
											\$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.13(a) PERB's Interagency Reprogramming FY2020 and FY2021

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: BAO 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.13(a) PERB's Interagency Reprogramming FY2020 and FY2021

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: BAO 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

Q.13(a) PERB's Interagency Reprogramming FY2020 and FY2021

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: BAO 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-

PERB INTERAGENCY REPROGRAMMINGS, FY2020 AND FY2021 (Q13)

Including anticipated reprogrammings for remainder of FY2021

[illegible]

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 *Angelique Rice*
Associate Chief Financial Officer
Government Operations Cluster

From: Clarene Martin *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.

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 - COO		Fiscal Year: 2019	
APPROVAL REQUIRED FOR THE FOLLOWING:		APPROVAL LEVEL:		APPROVAL DATE:	
<input checked="" type="checkbox"/> Shift Between Agencies <input checked="" type="checkbox"/> Shift Between Divisions <input checked="" type="checkbox"/> Shift Between Programs		<input checked="" type="checkbox"/> Agency <input checked="" type="checkbox"/> OAR <input checked="" type="checkbox"/> DC Council		Agency Director: <i>Shawn Hunter</i> Associate CFO: <i>Employee Free</i> Prepared By: Paul K. Blake	
ORG Code 1090 Performance Management 2001 Legal Support 2002 Court Appeals 2001 Legal Support 2003 Public Employee Relations Board 2001 Legal Support		PCA 11090 12001 12002 12001 12003 12001		Index 11090 20001 20002 20001 20003 20001	
Object 0111 0111 0201 0402 0427 0701		Object Class 0111 0111 0201 0402 0427 0701		Original Budget Amount \$316,983.32 \$136,244.28 \$5,000.00 \$0.00 \$15,600.00 \$0.00	
Current Budget Amount \$316,983.32 \$136,244.28 \$5,000.00 \$0.00 \$15,600.00 \$0.00		Amount of Decrease (+) (\$140,000.00)		Amount of Increase (+) \$75,000.00 \$10,000.00 \$5,000.00 \$4,200.00 \$45,800.00	
Revised Budget Amount \$176,983.32 \$211,244.28 \$15,000.00 \$5,000.00 \$19,800.00 \$45,800.00					
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:

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:

PERB INTRA-AGENCY REPROGRAMMINGS, FY2020 AND FY2021 (Q14)

Including anticipated reprogrammings for remainder of FY2021

[illegible]



GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD

PERB FY 2021 PROGRAM ENHANCEMENT - FORM 2

I. Enhancement Request Snapshot

Agency Name: Public Employee Relations Board

Agency Code: CG0

Enhancement title: Clarene Phyllis Martin, Executive Director

This request is priority # 1 out of 1 for this agency.

Agency Point of Contact:

Date: October 21, 2019

What is the amount of Local funds requested?

Personnel Services - \$0; Non-Personnel Services - \$318,600

Number of new FTEs requested: 0

What type of cost will this enhancement be? (select one)

Partially recurring

If it is a recurring, or partially recurring cost, what do you estimate to be the costs in each of the following years?

FY2022, FY2023 and FY2024 – Estimated 20% of the program development cost for maintenance. This real cost could be significantly lower. Currently, PERB spends \$15,000 year on a server to support the case management system, and an additional \$6,200 on licensing and support fees. These costs would be eliminated by the proposed enhancement.

Please summarize this enhancement in two sentences, where the first sentence tells us what the enhancement is, and the second sentence tells us what the expected impact of the enhancement would be:

This enhancement provided by OCTO would allow for free, online filing for PERB's customers, instead of a user-paid, vendor-provided, filing system. It would also replace PERB's vendor-provided case management system. The enhancement would provide free filing that could be utilized by employees, labor organizations, agencies and representatives from any location.

Please detail here or in an attached spreadsheet what the requested funds would purchase (personnel, equipment, contracts, etc.). For each proposed FTE, list the proposed grade and position type/title.

The requested funds would fund a memorandum of understanding with OCTO to build the software and maintain it the first year. OCTO's proposal is attached.

II. Rationale

What problem for the District are you aiming to address?

PERB has the statutory responsibility to resolve labor-management issues, as well as employees' disputes with their unions. This would provide better customer service to those who come before PERB by providing free filing. It would also provide PERB with a better case management system, as the filing service that PERB uses does not synchronize with PERB's vendor-provided, case management system. The current process is inefficient, because it requires duplication of documents and information in multiple places.

What are the reasons why this problem exists?

PERB uses a user-paid, electronic filing service that is provided by a non-government entity. Currently, pro se litigants must come to PERB to use its public access terminal to file for free or must pay for the filing fees. Agencies, labor organizations, and employees have complained about the costs of the filing service. Also, inefficiencies in document retention and recordkeeping have arisen because the electronic filing and case management systems cannot be synced.

How does this enhancement address this problem and its underlying reasons?

The enhancement creates free filing for everyone filing before the Board. The program also would be tailored to PERB's needs, and eliminate inefficient processes.

Is this enhancement a change to an existing program/initiative or a completely new program/initiative?

- ☐ Change to an existing program/initiative (e.g., adding staff or resources, serving more or a different set of residents, making changes to the service model)
- ☒ Completely new program/initiative for DC

Cost-Benefit Analysis and/or Return on Investment: How does the amount invested relate to the anticipated/desired outputs and outcomes?

(if relevant, please also submit a supporting Excel sheet)

Please ensure responses address the following:

- Are there external costs that will be incurred by other parts of DC government or non-government entities?
 - The enhancement would reduce costs to other DC government and non-government entities.
- Have all ongoing operating, maintenance and/or equipment replacement costs been detailed in the analysis, including potential increases to space needs (if adding FTEs or new activities), utility costs, IT equipment, etc.?
 - Yes. Please see attached OCTO's proposal.

Will legislative support be required? No.

(Sections III and IV are not applicable and have been omitted.)

V. Proposed Budget Swap

Agencies may be interested in a new program or approach to a problem because they believe it is more effective than what they are currently doing. Enhancements are more likely to be approved if they replace a corresponding, less effective reduction.

Reduction title (from Form 1): _____N/A_____

Total amount reduced: _____N/A_____

What evidence is there that this reduction is not achieving desired outcomes? Please describe outcomes from the proposed reduction in the District and/or in other cities. If possible, include formal evaluation studies as well as lessons from both successes and failures in any similar attempts. *Provide links to or cite your sources.*

PERB CONTRACTS AND PROCUREMENTS, FY2020 AND FY2021, AS OF FEB. 1, 2021 (Q16)
(complete columns A-V)

[illegible]

PUBLIC EMPLOYEE RELATIONS BOARD ORGANIZATIONAL CHART

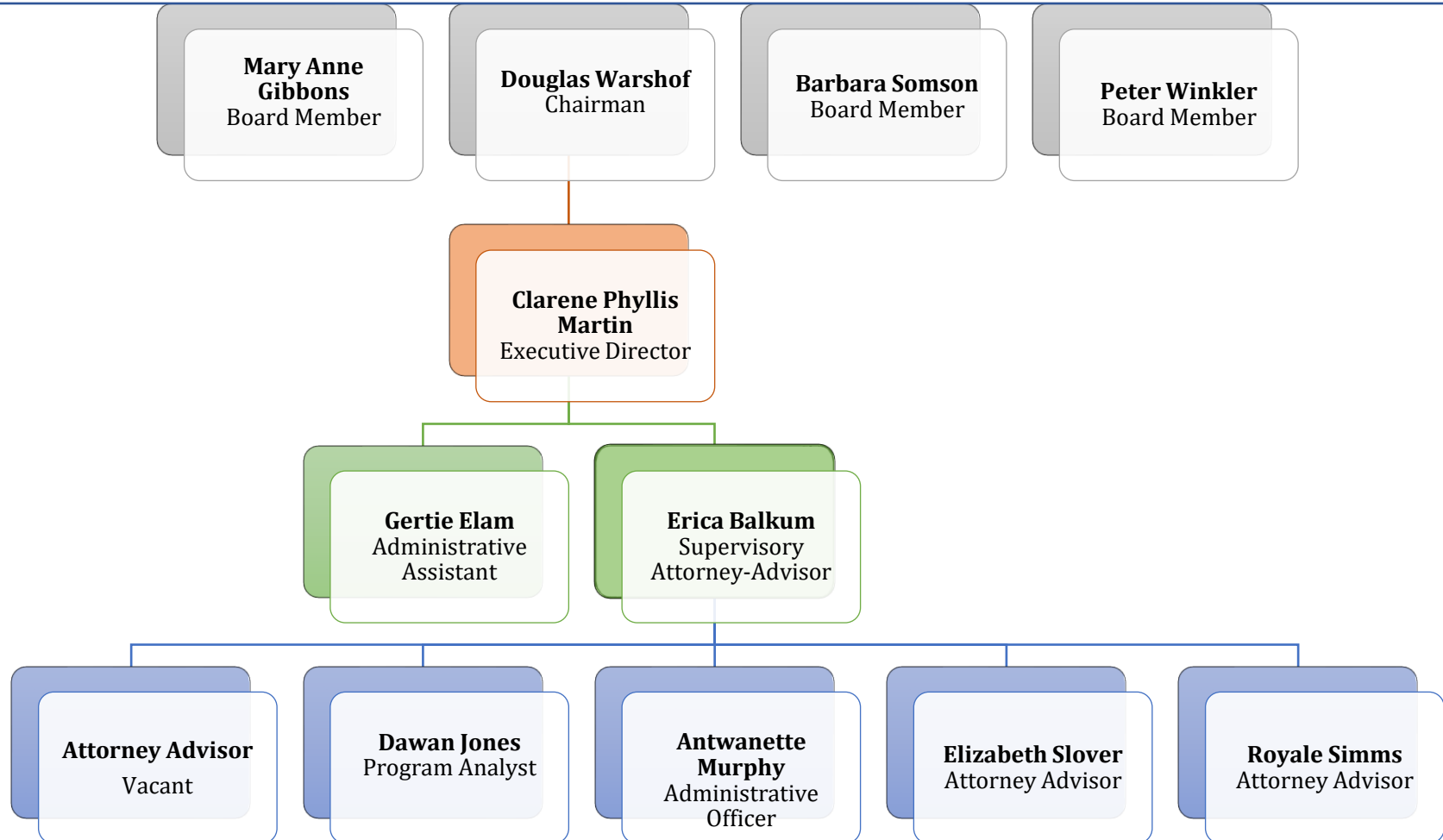


CHART OF PERB AGENCY PERSONNEL, as of Jan. 1, 2021 (Q20)

[illegible]

[illegible]

Q21-Vacant Position

PERB VACANT POSITIONS, as of Jan. 1, 2021 (Q21)

*Response: Position on Hold- Sufficient funds not available

[illegible]

Notice: This opinion is subject to formal revision before publication in the Atlantic and Maryland Reporters. Users are requested to notify the Clerk of the Court of any formal errors so that corrections may be made before the bound volumes go to press.

DISTRICT OF COLUMBIA COURT OF APPEALS

No. 17-CV-383

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES
NATIONAL OFFICE, APPELLANT,

v.

DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD, APPELLEE.

Appeal from the Superior Court
of the District of Columbia
(CAP-846-13)

(Hon. John M. Mott, Trial Judge)
(Hon. Marisa J. Demeo, Trial Judge)

(Argued November 8, 2018)

Decided September 10, 2020)

Hampton H. Stennis, with whom *David A. Borer* was on the brief for appellant.

Geoffrey H. Simpson, with whom *Cedar P. Carlton* and *Bruce A. Fredrickson* were on the brief, for appellee.

Before BLACKBURN-RIGSBY, *Chief Judge*, and EASTERLY, *Associate Judge*, and WASHINGTON, *Senior Judge*.

WASHINGTON, *Senior Judge*: The American Federation of Government Employees National Office (“AFGE”) appeals from an order of the Superior Court of the District of Columbia upholding a decision of the District of Columbia Public

Employees Relations Board (“PERB”) ordering the AFGE to provide Christopher Collins with financial documents under the control of the AFGE affiliate Local 1975 (“Local 1975”). Because the PERB did not have the authority to order the National AFGE to respond to the complaint on behalf of Local 1975, we reverse.

I. Facts

Mr. Collins, a member of the AFGE Local 1975, filed a standards of conduct complaint with the PERB against his local AFGE affiliate and the AFGE’s National Union under D.C. Code § 1-617.03 (2016 Repl.) and 6-B DCMR § 544.2 (2020) alleging that his local union was being mismanaged. Specifically, Mr. Collins claimed that “there has been no accounting and fiscal/financial controls over [Local 1975’s] membership dues and there has been no regular financial reports or summaries made available to members upon request[,]” which led him to conclude that “Union funds have been abused and mismanaged by Union representatives” As part of his complaint, he asked the PERB to order Local 1975 to turn over its fiscal records and meeting minutes from the previous four years; and further requested that the PERB order the AFGE to “report” on the financial submissions it received from Local 1975 during the same time period. Local 1975 never responded to the complaint, but some months after the filing, the

AFGE responded by filing a motion to dismiss the complaint for “lack of subject matter jurisdiction” or “as moot.” More specifically, the AFGE claimed that it is “not subject to D.C. Code § 1-617.03 with respect to [Mr.] Collins’[] claims.”

In response, the PERB issued an order refusing to consider the AFGE’s motion to dismiss on the ground that it was untimely under 6-B DCMR § 544.6 (2015),¹ finding that the complaint stated a violation of D.C. Code § 1-617.03(a)(5), deeming the allegations admitted under 6-B DCMR § 544.7, and ordering Local 1975 and the AFGE to provide the requested relief. The AFGE filed a motion for reconsideration asking the PERB to consider whether it had jurisdiction over the AFGE under D.C. Code §§ 1-617.03, -617.10(a) and -617.11(b), and 6-B DCMR § 544.1. The PERB denied the AFGE’s motion for reconsideration solely on the grounds that the PERB had complied with 6-B DCMR §§ 544.6 and 544.7 when issuing the original order.

¹ The PERB’s and the trial court’s references to 6-B DCMR §§ 544.6 and 544.7 were to the 2015 edition of the regulations. Those sections are now partially embodied in the 2020 edition of 6-B DCMR §§ 502.11, 502.12, and 502.13. We also note that the reference to “jurisdiction” in the 2015 edition of § 544.6 no longer appears in the 2020 edition of the regulations. Because this appeal turns on the question of the PERB’s “jurisdiction,” however, we analyze the issue by referring to the 2015 edition of the regulations.

The AFGE then sought review of those orders in the Superior Court. Judge John M. Mott considered the challenge as one of “jurisdiction” and proceeded to address the issue in a matter similar to how courts of general jurisdiction would address the claim. Judge Mott found: (1) that the use of the term jurisdiction in 6-B DCMR § 544.6 “does not distinguish whether ‘jurisdiction’ . . . means personal jurisdiction or subject matter jurisdiction”; (2) that the AFGE waived its argument that it was not subject to standards of conduct complaints under 6-B DCMR § 544.1 because the AFGE waived a challenge to the PERB’s “personal jurisdiction” by filing an untimely response pursuant to 6-B DCMR § 544.6; and (3) that the matter should be remanded to the PERB to consider whether it had “subject matter jurisdiction” over standards of conduct complaints because subject matter jurisdiction cannot be waived.

On remand from the Superior Court, the PERB determined that it had subject matter jurisdiction over the complaint because it was responsible for overseeing compliance with the District’s laws governing public employee labor organizations, including ensuring that those organizations are in compliance with their administrative responsibilities, and that a “union’s failure to hold periodic . . . elections, . . . maintain fiscal integrity . . . or to provide members with regular financial reports” were “the very bases of [Mr.] Collins’ allegations.” Further, the

PERB determined that Judge Mott had “expressly rejected the AFGE’s argument that the standards of conduct requirements in [6-B DCMR § 544.1] only apply to certified exclusive representative[s]” as “a personal jurisdiction argument couched as a subject matter jurisdiction defense” which the AFGE waived by failing to file a timely response. “Accordingly, consistent with the [Superior] Court’s Opinion, the [PERB found] that it [had] subject matter and personal jurisdiction over [the] AFGE in this matter.” The Superior Court, Judge Marisa J. Demeo, affirmed the PERB’s order on remand and this appeal followed.

II. Standard of Review and Legal Framework

“Although this is an appeal from a review of [an] agency action by the Superior Court . . . , we review the PERB decision as if the matter had been heard initially in this court.” *Gibson v. District of Columbia Pub. Emp. Relations Bd.*, 785 A.2d 1238, 1241 (D.C. 2001). While we will sustain the PERB’s decision unless it is “clearly erroneous as a matter of law” or not “supported by substantial evidence,” *id.* (internal quotation marks omitted), we “are not obliged to stand aside and affirm an administrative determination which reflects a misconception[,] . . . faulty application,” *Thomas v. District of Columbia Dep’t of Labor*, 409 A.2d 164, 169 (D.C. 1979), or failure to “conduct any analysis of” the applicable law.

Georgetown Univ. v. District of Columbia Dep't of Emp't Servs., 971 A.2d 909, 915 (D.C. 2009).

III. Analysis

Although the parties over the life of this case have had disputes about whether the PERB had personal or subject matter jurisdiction, we see this case as presenting a single question: whether the PERB is authorized to exercise jurisdiction, i.e., “authority” over the AFGE. At the outset, we note that jurisdictional doctrines applicable to courts cannot be directly transposed onto administrative agencies. *See City of Arlington v. FCC*, 569 U.S. 290, 298 (2013); *City of Hackensack v. Winner*, 410 A.2d 1146, 1159-60 (N.J. 1980). In *City of Arlington*, the Supreme Court discussed the confusion caused by references to “jurisdiction” when addressing the scope of an administrative agency’s authority to decide certain matters. 569 U.S. at 297-301. In that case, the Court concluded that no matter how the term is used, the question “is always whether the agency has gone beyond what [the legislature] has permitted it to do.” *Id.* at 298. We understand the Court to mean that courts reviewing agency actions ask not whether an agency has jurisdiction over a party or a dispute in the traditional sense of the term, but “whether the statutory text forecloses the agency’s assertion of authority,

or not.” *Id.* at 301. Therefore, the question before us is not whether the AFGE waived personal jurisdiction by responding to Mr. Collins’ complaint after the deadline, but rather whether the AFGE is subject to standards of conduct complaints filed with the PERB under the Comprehensive Merit Personnel Act (“CMPA”), D.C. Code §§ 1-601.01 *et seq.* See D.C. Code §§ 1-605.02, -617.03; *District of Columbia v. 17M Assocs., LLC*, 98 A.3d 954, 959 (D.C. 2014) (“An administrative agency is a creature of statute and may not act in excess of its statutory authority. When the legislature passes an Act empowering administrative agencies to carry on governmental activities, the power of those agencies is circumscribed by the authority granted.”) (internal quotation marks and citations omitted); 73 C.J.S. Public Administrative Law and Procedure § 163 (2020) (“[A]dministrative . . . agencies must . . . act within the limited scope of their powers.”).

Whether the CMPA and 6-B DCMR § 544.6 grant the PERB statutory authority to order the AFGE to respond to standards of conduct complaints filed by an employee against his exclusive bargaining representative is a question of statutory interpretation that we review *de novo*. See *Johnson v. District of Columbia Dep’t of Emp’t Servs.*, 111 A.3d 9, 10 (D.C. 2015). As with all statutory interpretation questions, “[w]e look to the plain meaning of the statute first,

construing words according to their ordinary meaning.” *Boyle v. Giral*, 820 A.2d 561, 568 (D.C. 2003) (internal citation omitted). Only if the intent of the legislature is unclear will we defer to an agency’s reasonable interpretation of its statutory authority. *See City of Arlington*, 569 U.S. at 296 (citing *Chevron, U.S.A., Inc. v. Natural Res. Def. Council, Inc.*, 467 U.S. 837, 842-43 (1984)); *accord Johnson*, 111 A.3d at 10. Although we will carefully consider the PERB’s interpretation of the CMPA, “[t]he judiciary is the final authority on issues of statutory construction and must reject administrative constructions which are contrary to clear [legislative] intent.” *District of Columbia Fire & Emergency Med. Servs. Dep’t v. District of Columbia Pub. Emp. Relations Bd.*, 105 A.3d 992, 996 (D.C. 2014) (quoting *Chevron*, at 843 n.9 (internal quotation marks omitted)); *see also District of Columbia v. Brookstowne Cmty. Dev. Co.*, 987 A.2d 442, 449 (D.C. 2010) (“Agencies are creatures of statute and their authority and discretion are limited to that which is granted under their founding statutes. Therefore, regulations they enact pursuant to that statutorily provided authority cannot expand that authority.”).

Having reviewed the CMPA and the record in this case, we believe that the PERB exceeded its authority in asserting jurisdiction over the AFGE in this standards of conduct complaint case. We recognize the CMPA does not expressly

state that the PERB does not have authority over a national union such as the AFGE. However, when we read the statute as a whole, as we must, *see Odeniran v. Hanley Wood, LLC*, 985 A.2d 421, 428 (D.C. 2009), it is clear that the statute limits the PERB's enforcement authority for standards of conduct complaints to an employee's exclusive bargaining representative, and there is no evidence in the record from which the PERB could find that the AFGE meets that definition. Instead, the PERB only has authority over Local 1975, because Local 1975 is Mr. Collins' exclusive bargaining representative. *See In re D.C. Dep't of Motor Vehicles & AFGE Local 1975*, PERB Case Nos. 99-UM-08 & 99-UCN-06, Op. No. 613 (Dec. 9, 1999) at 3; *In re D.C. Dep't of Motor Vehicles & AFGE Local 1975*, PERB Case Nos. 99-UM-08 & 99-UCN-06, Certification No. 110 (Dec. 9, 1999) at 2. Thus, the PERB's assertion of authority over the AFGE in this case reflects a misapplication of the law and requires reversal. *See D.C. Code* § 2-510(a)(3)(A), (C) (2016 Repl.); *Georgetown Univ.*, 971 A.2d at 915; *Thomas*, 409 A.2d at 169.

There is no dispute that the PERB has "jurisdiction/authority" to review standards of conduct complaints filed pursuant to the CMPA. *See D.C. Code* §§ 1-605.02(2), (9), -617.03(a). However, a plain reading of the applicable CMPA provisions makes it clear that the PERB's authority to "[m]ake decisions and take

appropriate action” on standards of conduct complaints is limited to actions brought against an employee’s “exclusive bargaining representative[]” who fails “to adopt, subscribe, or comply with the internal or national labor organization standards of conduct for labor organizations.” D.C. Code § 1-605.02(2), (9); *see also* §§ -605.02(2) (the PERB has the power to “[c]ertify and decertify exclusive bargaining representatives”), (7) (the PERB has the power to conduct hearings “on any matter subject to its jurisdiction”), -617.03 (laying out the “[s]tandards of conduct for labor organizations” and requirements for an organization’s recognition by the PERB), -617.10 (describing the procedures for a labor organization to be chosen as an “[e]xclusive representative[]”), -617.11 (describing the “[r]ights accompanying exclusive recognition”).

Here, the complaint alleges that Local 1975, the complaining employee’s exclusive bargaining representative, failed to comply with its internal or national labor organization standards for electing officers and maintaining and disclosing financial records, a complaint clearly consistent with the statute’s purpose and the PERB’s scope of authority. Indeed, the PERB’s own regulations governing CMPA standards of conduct complaints recognize that the PERB’s authority is over labor organizations that have “been accorded exclusive recognition pursuant to D.C. [] Code §§ 1-617.10(a) or 1-617.11(b),” or are, at a minimum, “seeking to be

certified as an exclusive representative.” 6-B DCMR § 544.1. Therefore, under a plain reading of this statutory scheme, the CMPA grants the PERB jurisdiction to hear and decide whether exclusive bargaining representatives are in compliance with the standards of conduct provisions of the statute, or whether their conduct complies with the internal or national standards of conduct for labor organizations.

Accordingly, the AFGE’s assertion that the PERB did not have the authority to order it to respond to the allegations in the complaint filed by Mr. Collins because it was not Mr. Collins’ exclusive bargaining representative, was a substantive defense to the PERB’s exercise of authority over it with regard to standards of conduct complaints. Yet, instead of addressing that issue directly, the PERB found that the AFGE had waived its right to raise a challenge to the PERB’s exercise of authority over it because it failed to timely file an answer to the complaint. In essence, the PERB avoided the thorny threshold question of whether it had statutory authority over the AFGE in these types of cases by asserting that the AFGE waived its right to object to the PERB’s assertion of its authority by failing to timely file its objections under 6-B DCMR §§ 544.6 and 544.7. The PERB’s refusal to consider the AFGE’s motion to dismiss and instead issue a default order as the basis for justifying its exercise of jurisdiction/authority is plainly wrong if it expands the agency’s power and authority beyond that afforded to it by its

governing statutes and regulations. *See 17M Assocs., LLC*, 98 A.3d at 959; 73A C.J.S. Public Administrative Law and Procedure § 281 (“An administrative body may not acquire jurisdiction by . . . consent. . . . An administrative body cannot act effectually where it lacks jurisdiction, and when it does so, its orders are void.”). As we have previously noted, a plain reading of both the CMPA and the regulations governing standards of conduct complaints specifically refer to the PERB’s authority to regulate the conduct of “exclusive bargaining representatives” of government employees. Thus, the PERB’s attempts to assert authority over a non-exclusive bargaining representative like the AFGE is plainly inconsistent with the scope of the PERB’s authority under both CMPA and 6-B DCMR § 544.1, neither of which the PERB interpreted or applied to this case. *See Placido v. District of Columbia Dep’t of Emp’t Servs.*, 92 A.3d 323, 326 (D.C. 2014); *Georgetown Univ.*, 971 A.2d at 915; *Thomas*, 409 A.2d at 169.

The PERB’s reliance on waiver is also misplaced here for reasons similar to those rejected by the Supreme Court in *City of Arlington v. FCC*. *See* 569 U.S. at 297. As the Supreme Court of New Jersey has noted:

[A]dministrative agencies cannot be equated with judicial courts. An administrative agency is not simply a neutral forum whose function is solely to decide the controversy presented to it. Administrative agencies belong to a

different branch of government. They are separately created and exercise executive power in administering legislative authority selectively delegated to them by statute. . . . [T]he adjudicative functions of administrative agencies are actually an aspect of their regulatory powers and, in essence, do not embrace or constitute the exercise of judicial authority. Courts, by contrast, are constitutionally-founded, independent and impartial adjudicative tribunals constituted to hold and exercise the judicial power which emanates directly from the Constitution. . . . Consequently, procedures and techniques developed to handle the operation and business of the courts may not be transported [i]n toto or imported wholesale into administrative agencies.

Winner, 410 A.2d at 1159-60 (internal citations omitted). Because the PERB's authority to consider standards of conduct complaints is prescribed by statute, Judge Mott's determination that the AFGE waived "personal jurisdiction" under 6-B DCMR § 544.6 is not probative of the PERB's authority to exercise its jurisdiction over the AFGE in the first instance.

Moreover, even in courts of general jurisdiction, personal jurisdiction is waived only if a party submits itself to the court's authority before asserting that the court lacks personal jurisdiction. *See In re Clark*, 684 A.2d 1276, 1279 (D.C. 1996); Super. Ct. Civ. R. 12(b)(2), (h)(1); 73A C.J.S. Public Administrative Law and Procedure § 281 ("[A] voluntary appearance before a tribunal, *without raising any objection as to personal jurisdiction*, is sufficient to confer personal

jurisdiction.”) (emphasis added). Here, the AFGE never submitted to the authority of the PERB. In fact, in its first response to Mr. Collins’ complaint, the AFGE challenged the PERB’s authority to issue any orders commanding the AFGE to take any action. That raised a threshold jurisdictional issue regarding the authority of the agency over the AFGE in this type of complaint, an issue that had to be addressed before the PERB could enter a default judgment pursuant to its rules.²

² The PERB argues that the AFGE waived its personal jurisdiction claim because it “did not timely file an answer to the complaint.” The PERB’s argument is unconvincing. Untimeliness is not an automatic bar to challenging personal jurisdiction, as we have previously held that a defendant did not waive his personal jurisdiction defense despite filing an answer raising the defense two months after receiving the complaint. *See Devoto v. Devoto*, 358 A.2d 312, 313 (D.C. 1976) (holding appellee had preserved his personal jurisdiction defense despite filing an answer containing this defense two months after receiving the summons and complaint and long after the twenty-day time limit for responding had expired).

Even though this case involves the PERB’s rules as laid out in 6-B DCMR § 544.7, personal jurisdiction ultimately “flows . . . from the Due Process Clause,” *Insurance Corp. of Ireland, Ltd. v. Compagnie des Bauxites de Guinee*, 456 U.S. 694, 702 (1982), so we also find support for our holding in the decisions of federal courts analyzing personal jurisdiction. For example, Superior Court Rule of Civil Procedure 12(h) is identical to Federal Rule of Civil Procedure 12(h). Both concern when a local or federal Rule 12(b)(2) lack of personal jurisdiction defense is waived. “[W]hen a local rule and a federal rule are identical, we may look to federal court decisions in interpreting the federal rule as persuasive authority in interpreting the local rule.” *Williams v. United States*, 878 A.2d 477, 482 (D.C. 2005) (internal quotation marks and citations omitted). Several federal circuit courts have held that Federal Rule of Civil Procedure 12(a)(1)’s twenty-one day time limit for defendants to respond to a complaint does not apply to motions asserting a personal jurisdiction defense. *See, e.g., Hedeem Int’l, LLC v. Zing Toys, Inc.*, 811 F.3d 904, 906 (7th Cir. 2016) (“Under a straightforward reading of Rule 12, a challenge to personal jurisdiction may be asserted either in a responsive
(continued...)

Because “[a]n administrative agency is a creature of statute and may not act in excess of its statutory authority,” the PERB’s broad claim of authority over the AFGE through the use of a default rule applicable to those appropriately before the agency “is *ultra vires* and a nullity.” *17M Assocs., LLC*, 98 A.3d at 959 (quotation marks omitted); *see also Placido*, 92 A.3d at 326. The CMPA and “the regulations promulgated by the [PERB] empower the [PERB] to review complaints alleging the failure of a *recognized* labor organization to comply with the standards of conduct

(...continued)

pleading filed within 21 days, or in a motion with no similar time limit specified.”); *Marcial Ucin, S.A. v. SS Galicia*, 723 F.2d 994, 997 (1st Cir. 1983) (“Rule 12(h)(1) . . . does not call for the assertion of the lack of personal jurisdiction defense within the time provided in Rule 12(a).”); *Bechtel v. Liberty Nat. Bank*, 534 F.2d 1335, 1340-41 (9th Cir. 1976) (holding that a personal jurisdiction defense is not limited to the Rule 12(a) time period); *see also* 5C Wright, Miller, Kane & Spencer, *Federal Practice and Procedure: Federal Rules of Civil Procedure* § 1391 (3d ed. 2020) (“there is no warrant for treating the passage of the Rule 12(a) period as a basis for waiver of Rule 12(b) motions; a motion under the rule is timely as long as it is made before the filing of a responsive pleading and waiver of Rule 12(b) motions only results under the conditions outlined in Rules 12(g) and 12(h)”) (footnote omitted); *but see Farmers Elevator Mut. Ins. Co. v. Carl J. Austad & Sons, Inc.*, 343 F.2d 7, 12 (8th Cir. 1965) (noting in dicta that failure to raise affirmative defense within time limit results in waiver). These authorities focus on whether the defense was raised first, not when it was raised, and we find that logic persuasive here. Thus, the AFGE did not waive its personal jurisdiction defense even though it filed its motion to dismiss outside the fourteen-day time limit in 6-B DCMR § 544.7 because it raised the defense in its “first significant defensive move” in response to the complaint. *Transaero, Inc. v. La Fuerza Aerea Boliviana*, 162 F.3d 724, 730 (2nd Cir. 1998) (internal quotation marks and citation omitted).

mandated by” the CMPA. *Fraternal Order of Police MPD Labor Comm. v. Public Emp. Relations Bd.*, 516 A.2d 501, 504-05 (D.C. 1986) (citing D.C. Code § -617.03) (emphasis added); *see also Neill v. Public Emp. Relations Bd.*, 93 A.3d 229, 232 (D.C. 2014) (“The PERB has jurisdiction to hear complaints alleging that a recognized union failed to comply with the specified conduct standards.”). Local 1975 is the exclusive bargaining representative of the complainant in this case and, therefore, it is the recognized labor organization under the CMPA over which the PERB has statutory authority.

For these reasons, we reverse the orders of the Superior Court and remand this matter for the trial court to enter an order remanding the matter to the PERB and directing the PERB to grant the AFGE’s motion to dismiss.³

So ordered.

³ Because we are remanding so that the AFGE can be dismissed from the case, we need not address its mootness argument.

We note that Mr. Collins is not without a remedy. He filed a complaint against both the AFGE *and* Local 1975, so the PERB can use its resources to require Local 1975 to provide the documents requested by Mr. Collins. For example, the PERB admitted at oral argument that it had not, at that time, sought to enforce the default order against Local 1975 in Superior Court, a remedy that is clearly within the PERB’s authority to request. *See* D.C. Code §§ 1-605.02(16), -617.13(b).

Agency Name

PERB

Annual Freedom of Information Act Report for Fiscal Year 2020
October 1, 2019 through September 30, 2020

FOIA Officer Reporting Merlin George

PROCESSING OF FOIA REQUESTS

1. Number of FOIA requests received during reporting period.....7.....
2. Number of FOIA requests pending on October 1, 2019.....0.....
3. Number of FOIA requests pending on September 30, 2020.....0.....
4. The average number of days unfilled requests have been pending before each public body as of September 30, 20190.....

DISPOSITION OF FOIA REQUESTS

5. Number of requests granted, in whole.....0...
6. Number of requests granted, in part, denied, in part.....1..
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 disposition6..

NUMBER OF REQUESTS THAT RELIED UPON EACH FOIA EXEMPTION
--

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

16. Exemption 6 - D.C. Official Code § 2-534(a)(6)
 Subcategory (A).....
 Subcategory (B).....
17. Exemption 7 - D.C. Official Code § 2-534(a)(7).....
18. Exemption 8 - D.C. Official Code § 2-534(a)(8).....
19. Exemption 9 - D.C. Official Code § 2-534(a)(9).....
20. Exemption 10 - D.C. Official Code § 2-534(a)(10).....
21. Exemption 11 - D.C. Official Code § 2-534(a)(11).....
22. Exemption 12 - D.C. Official Code § 2-534(a)(12).....

TIME-FRAMES FOR PROCESSING FOIA REQUESTS

23. Number of FOIA requests processed within 15 days.....6.
24. Number of FOIA requests processed between 16 and 25 days.....1..
25. Number of FOIA requests processed in 26 days or more.....0..
26. Median number of days to process FOIA Requests.....15

RESOURCES ALLOCATED TO PROCESSING FOIA REQUESTS
--

27. Number of staff hours devoted to processing FOIA requests.....8...
28. Total dollar amount expended by public body for processing FOIA requests.....\$376.48...

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 Act0.

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].”

FOIA Request Log

<i>Request Number</i>	<i>Name of Requester</i>	<i>Request Date</i>	<i>Request Description</i>
2020-FOIA-06781	Michael Ayele	7/24/20	Request for Records
2020-FOIA-00524	LeAnne Funk	10/21/19	Request for a list of all Public Employee Relations Board Employees
2020-FOIA-01185	Robin Felbinger	11/15/19	Request for all filing and hearing transcripts related to PERB Case number 16-I-06
2020-FOIA-03585	Michael Ayele	2/22/20	
2020-FOIA-04530	Michael Ayele	3/30/20	Request for information on DC Government Employees
2020-FOIA-04936	Michael Ayele	4/22/20	Request for appeal to a decision by DC Government to request for records submitted to them
2020-FOIA-07268	Michael Ayele	8/14/20	Request for Records