

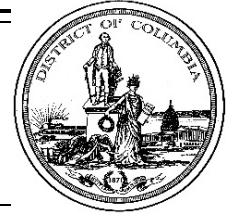
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**OFFICE OF AT-LARGE COUNCILMEMBER ANITA BONDS**  
CHAIR, COMMITTEE ON EXECUTIVE  
ADMINISTRATION & LABOR

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January 23, 2023

E. Lindsey Maxwell II, Esq, Director  
District of Columbia Office of Labor Relations and Collective Bargaining  
441 4th Street, NW, Washington, DC 20001  
Washington, DC 20001

Dear Director Maxwell:

The annual performance hearing for the District of Columbia Office of Labor Relations and Collective Bargaining is scheduled for **Wednesday, February 15, 2023, beginning at 9:30 AM in the Zoom virtual platform**. The government witness(es) for the agency will testify following public testimony. Please plan to arrive in time to listen to the entirety of the public testimony presented with respect to the agency. Pursuant to Council rule 522(a), we ask all executive witness(es) to submit their hearing testimony 48 hours in advance of their performance oversight hearing.

Written pre-hearing questions for your agency are attached. So that I may make effective use of your responses, please provide your electronic responses in Microsoft Word and PDF format **by 5:00PM on Wednesday, February 8, 2023**.

If you feel that I could use additional information outside the scope of the attached questions, please feel free to include an additional written statement. If your office requires clarification of any of the attached questions, please contact Kevin Chavous, Committee Director, at (202) 741-0918 or [kchavous@dccouncil.gov](mailto:kchavous@dccouncil.gov). Thank you in advance for your timely and comprehensive response.

Sincerely,

A handwritten signature in black ink, appearing to read "AEM", enclosed in a rectangular box.

Anita Bonds  
At-Large Councilmember  
Chairperson, Committee on Executive Administration and Labor

**OFFICE OF LABOR RELATIONS AND COLLECTIVE BARGAINING**  
**FY2022-2023 Performance Oversight Questions**  
**Committee on Executive Administration and Labor**  
**At-Large Councilmember Anita Bonds, Chair**

**Contents**

Agency-Specific Questions.....	3
I. Agency Priorities and Performance.....	3
II. Budget and Expenditures.....	9
a) Budget.....	9
b) Expenditures.....	11
III. Agency Organization and Personnel.....	12
IV. OLRCB Litigation & Related Matters.....	15
V. Collective Bargaining.....	16
VI. Agency Operations & Programs.....	20
VII. Agency Disputes.....	24
VIII. Evaluation and Information .....	25

## **Agency-Specific Questions**

### **I. Agency Priorities and Performance**

#### **1. Please discuss OLRCB's top five priorities.**

- a. How did the agency address its top five priorities in FY2022, including the impact of and any adjustments or modifications due to COVID-19?

#### **Answer:**

- **E-Risk: Digitizing negotiations matters into E-Risk**

In FY21, The Office of Labor Relations and Collective Bargaining (OLRCB) in collaboration with The Office of Risk Management (ORM), individualized and implemented E-Risk, a case management system, and uploaded all litigation matters. In FY22, OLRCB accomplished the second phase by integrating all negotiations matters into the cloud-based system.

- **Collective Bargaining Agreement (CBA) completions**

In FY22, OLRCB successfully negotiated nine CBAs including: Compensations Units 1 and 2, Council of Interns and Residents, Teamsters Local 639 at the Office of the State Superintendent of Education, D.C. Nurses Association at the Department of Behavioral Health and Compensation Unit 13, Council of School Officers, Federation of Administrative Law Judges, and the Fraternal Order of Police at the Metropolitan Police Department. OLRCB's continuous effort to strengthen our relationships with labor leaders led to this historic, successful completion of nine agreements in the same year, including amicable resolution with the District government's largest compensation unit—Compensation Units 1 and 2.

- **Continue to strengthen relations with labor leaders.**

OLRCB maintains an open-door policy for union leaders seeking to discuss wide-ranging labor issues—from bargaining matters and litigation concerns to working through disputes between management and unionized employees. These relationships have led to the resolution or withdrawal of unfair labor practice complaints and, in coordination with achieving OLRCB's other top priorities, have also led to more successful resolution of litigation matters with labor unions. As mentioned above, OLRCB's strengthened relations have also resulted in the historic completion of nine compensation agreements within one fiscal year.

- **Continued effort to reduce litigation costs.**

As a direct result of our continued efforts to strengthen relationships with labor leaders OLR CB achieved reductions in costs by successfully moving to dismiss, mediating and settling cases, as appropriate, instead of engaging in protracted litigation. In FY22, OLR CB successfully closed 18 matters without litigation.

- **Promotion of employee growth and expansion by filling vacancies.**

OLR CB filled four Attorney Advisor vacancies in FY22.

- b. What are the agency's top five priorities in FY2023? Please explain how the agency expects to address these priorities in FY2023.

**Answer:**

- **Development and implementation of case[sic] management system.**

OLR CB is in the process of procuring a document management system. In FY23, OLR CB is researching different systems to determine which best suits the office's unique needs. OLR CB is looking for a cloud-based document management system that will store in a central place all documents, emails and files related to clients and cases.

- **Expand staff by filling vacancies.**

OLR CB hired four new attorneys in FY22 and is actively recruiting for the remaining three Attorney Advisor vacancies. OLR CB is in the process of filling its vacant Supervisory Attorney Advisor position with plans to fill the remaining two administrative vacancies by no later than the third quarter of FY23.

- **Reduce litigation costs.**

OLR CB is committed to protecting public funds by reducing litigation costs. OLR CB will continue to manage litigation costs by assessing disputes as early as practicable to determine which matters may be resolved amicably through settlement or mediation to avoid costs associated with unnecessary litigation.

- **Increase number of attended trainings available for all staff.**

In FY23, OLR CB is sending attorneys to conferences focused on further developing negotiating collective bargaining agreements and litigating labor arbitrations, and trainings in legal writing and analysis. We are also sending administrative staff for training at the Society for Human Resource Management conferences.

- **Continue to strengthen relations with labor leaders.**

As the results of our continuous commitment to strengthening relations with union leaders, in FY22 OLRCB saw the fruits of our labor by the speed in which we were able to conclude collective bargaining compensation agreements with seven unions. For FY23, we will continue to cultivate our relationships with our union leader partners by reinstating Labor Roundtable Meetings and maintaining open communication and working to amicably resolve issues.

2. Please list each **program** or body of work operated or administered by OLRCB during FY2022 and FY2023. Highlight any programs new in FY2022 or FY2023 or changes made or planned as part of the agency's independence from the Office of the City Administrator. For each program, please provide a description of the program, the office that carries out the program, activities in FY2022 and FY2023, and any documented results of the program.

**Answer:**

OLRCB partners with the Department of Housing and Community Development and the Greater Washington Urban League to assist with administering the District's Negotiated Employee Assistance Home Purchase Program (NEAHP) for eligible unionized District government employees. This program helps unionized District government employees with closing costs and down payments for homes they seek to buy within the District. This benefit was established through collective bargaining with Compensation Units 1 & 2 and per the current agreement the District is providing \$650,000 to support this program.

3. Please describe any **initiatives** that the OLRCB implemented in FY2022 or FY2023, to date, to improve the internal operations of the agency or the interaction of the agency with external parties. Please describe the results, or expected results, of each initiative.

**Answer:**

In FY22, OLRCB implemented the E-Risk negotiation integration. OLRCB digitized all negotiation matters into E-Risk, our newest case management system. This system allows our staff to organize and manage litigation and negotiation cases and client advisement matters that have been assigned to the agency. Our attorneys are assigned work through the system and supervisors are able to track case status, deadlines and deliverables as well.

4. Please provide a copy of OLRCB's FY2022 **performance accountability report**.

**Answer:**

Please see attachment labeled Q.4 OLRCB FY22 PAR.

- a. Please explain which performance plan strategic objectives and key performance indicators (KPIs) were met or completed in FY2022 and which were not.

**Answer:**

OLRCB met all KPI's for FY2022.

- b. For any met or completed objective, also note whether they were completed by the project completion date of the objective and/or KPI and within budget. If they were not on time or within budget, please provide an explanation.

**Answer:**

All FY22 KPI's were met within projected completion date and within budget.

- c. For any objective not met or completed, please provide an explanation.

**Answer:**

Not applicable, as OLRCB met all KPI's for FY2022.

5. Regarding the OLRCB's FY2023 **performance plan**:

- a. Please provide a copy of OLRCB's FY2023 performance plan as submitted to the Office of the City Administrator.

**Answer:**

Please see attachment labeled Q.5 OLRCB FY23 Performance Plan.

- b. Discuss any changes to any outcomes measurements in FY2023, including the outcomes to be measured or changes to the targets or goals of outcomes; list each specifically and explain why it was dropped, added, or changed.

**Answer:**

In FY23 we added the following KPI's:

- Number of matters closed (withdrawn, settled, or reached judgement)- Added to identify how a matter was closed. In trying to decrease litigation costs and protect the District's fisc, and to ensure compliance with the Comprehensive Merit Professional Act and CBAs, OLRCB endeavors to assess matters early to determine if we are positioned to seek case resolution by dismissal or settlement.
- Number of Litigation matters closed by Decision and Order- same rationale as previous bullet. When appropriate, OLRCB will fully litigate a matter through a decision and order by a finder of fact.

In FY23, OLRCB removed the following KPI's:

- Percent of matters litigated to decision- changed from percentage to number to specify quantity.
- Percent of matters closed (withdrawn, settled, or reached judgement)- same rationale as the previous bullet point.

In FY23, OLRCB added the following Workload Measures:

- Number of Litigation matters closed without litigation- OLRCB decided to track litigation matters more closely to identify opportunities where we are able to resolve early and without having to litigate through a decision, as our focus continues to be to reduce litigation costs.
- Number of Advisements opened –OLRCB is focusing on capturing all matters and/or assignments that our attorneys complete. Often, OLRCB receives requests for advisement from the Executive, agencies and/or unions that require legal research and analysis, but such legal advice does not result in formal negotiation or litigation. Regardless, we must track these assignments to measure our attorneys and this agency's workloads.
- Number of Negotiation matters opened- beginning in FY23, OLRCB began to track all negotiation matters, including substantive collective bargaining and impact and effect bargaining matters, to measure attorneys and ORLCB's workload.
- Number of Negotiation matters closed – same answer as the previous bullet point.
- Number of Public Employee Relations Board matters opened- OLRCB began to track unfair labor practice complaints, negotiability appeals and certification petitions to measure attorneys and OLRCB's workloads as a means to determine areas for additional training opportunities for our office and for management, potential areas for bargaining, and/or the need for statutory amendment.
- Number of Public Employee Relations Board matters closed- same rationale as the previous bullet point.

In FY23, OLRCB changed the following Workload Measures:

- Number of matters opened – into – Number of Litigation matters opened- OLRCB specified the matter type since the agency is now tracking litigation, negotiations and advisement cases.
- Number of matters settled through mediation – into – Number of Litigation matters closed by settlement. OLRCB broadened the settlement type to capture matters that are settled independent of mediation.
- Number of matters withdrawn – into – Number of Litigation matters closed by withdrawal- OLRCB specified the matter type since the agency is now tracking litigation, negotiations and advisement cases.
- Number of matters dismissed – into – Number of Litigation matters closed by dismissal- same rationale as the previous bullet point.
- Number of matters closed by litigation decision – into – Number of Litigation matters closed by decision and order- same rationale as the previous bullet point.
- Number of matters litigated to decision PERB – into – Number of Public Employee Relations Board matters closed by decision and order- same rationale as the previous bullet point.
- Number of NEAHP requests closed – into – Number of Negotiated Employee Assistance Home Purchase Program requests closed- spelled out the program name.
- Number of NEAHP requests opened – into – Number of Negotiated Employee Assistance Home Purchase Program requests opened- spelled out the program name.

In FY23 OLRCB removed the following Workload Measures:

- Number of LMPC meetings- this does not measure OLRCB's workload
- Number of matters opened – Demand for successor CBA bargaining – OLRCB included this measure in the number of Negotiation matters opened.
- Number of matters opened – Demands for bargaining over policy changes – OLRCB included this measure to capture the number of Impact and Effect bargaining matters.
- Number of matters settled through attorneys- OLRCB replaced this measure with the broader “closed without litigation” workload.
- Number of matters litigated to decision – Grievance Arbitration- OLRCB removed this from a workload measure and instead added it as a KPI.
- Number of Agency labor management trainings held- same rationale as the previous bullet point.



6. In its FY2022 Performance Oversight responses, OLRCB stated that one of its goals was to develop and implement the E-Risk system. Please provide a summary of the current status of the E-Risk system. Please include in your summary an explanation of the purpose of E-Risk, the status of employee training on the system, the status of digitizing negotiation matters, and whether litigation data has been implemented in E-Risk.

**Answer:**

E-Risk is a case management system that stores and organizes the labor matters that OLRCB is charged to negotiate, litigate or to provide legal advice. The purpose of investing into E-risk was to improve internal organization, to allow staff members to readily access their matter information from a reliable cloud-based system, and to improve internal case management and performance data management. Currently, E-Risk is being used daily by all staff attorneys and the program analyst. Attorneys were trained on accessing their assigned cases, navigating the system, entering data and uploading documents. Management has also been trained on assigning cases, running reports, and managing the attorneys matters. All litigation and negotiation matters have been entered into E-Risk as of January 2023.

## II. Budget and Expenditures

### a) Budget

7. Please provide in Excel a table showing your agency's budget, including Council-approved original budget, revised budget (after reprogrammings, etc.), and actual expenditures, by fund source, program and activity, for FY2022 and the first quarter of FY2023. Please also include any over- or under-spending in each program and activity. Explain the reason for any variation between the revised budget and actual expenditures for FY2022 for each program and activity code.

**Answer:**

Please see attachment labeled Q.7 FY22 & FY23 Agency Approved Budget.

8. Related to question 6, please explain any difference between budgeted and actual litigation costs in each year FY2022 and FY2023.

**Answer:**

OLRCB does not budget for litigation costs as we don't incur litigation-related expenses that impact the agency's budget.

9. Please provide a copy of the detailed FY2022 and FY2023 NPS **spending plans** for each activity and fund in OLRCB's budget.

**Answer:**

Please see attachment labeled Q.9 FY22 NPS Spending Plan.

10. Please provide the following information for all **intra-District memoranda of understanding (MOUs)** for FY2022 and FY2023 as of Jan. 1, 2023, including anticipated MOUs for the remainder of FY2023.
- Attach copies of all intra-district MOUs.
  - Please provide in Excel a table for all MOUs, including anticipated MOUs.

**Answer:**

Please see attachments labeled Q.10 Intra-District MOUs and Q.13 Intra-Agency Reprogramming.

11. Please provide the following information for all **intra-District memoranda of agreement (MOAs)** for FY2022 and FY2023 as of Jan. 1, 2023, including anticipated MOAs for the remainder of FY2023.
- Attach copies of all intra-district MOAs, other than those for overhead or logistical services, such as routine IT services or security.
  - For each MOA, including anticipated MOAs, complete the table below; add rows as necessary.

**Answer:**

Please see attachment labeled Q. 10 Intra-District MOUs.

**Memoranda of Agreement, FY2022 and FY2023, including anticipated MOAs**

<i>Description of MOA services or purpose, including name of project or initiative</i>	<i>Names of all agencies party to the agreement</i>	<i>Service period (dates)</i>
OLRCB represents DCPL in labor-related litigation matters, dispute resolutions, collective bargaining negotiations, and provides training to DCPL labor relations team and management.	District of Columbia Public Libraries and OLRCB	10/1/2021 - 9/30/2022

12. Please provide in Excel a table for each **interagency reprogramming** of funds into and out of the agency for FY2022 and FY2023, as of Jan. 1, 2023, including anticipated inter-agency reprogrammings for the remainder of FY2023.
- Please *attach copies* of the reprogramming documents, including the Agency Fiscal Officer’s request memos and the attached reprogramming chart.
  - For each reprogramming, including anticipated reprogrammings, please provide a chart in Excel.

**Answer:**

In FY22, OLRCB did not have any interagency programming.

13. Please provide in Excel a table for each **intra-agency reprogramming** *within* your agency during FY2022 and FY2023, as of Jan. 1, 2023, as well as any anticipated intra-agency reprogrammings for the remainder of FY2023.
- Please *attach copies* of any reprogramming documents.
  - Please provide in Excel a chart a detailed rationale for the reprogramming: why the funds were available and what they will be used for.

**Answer:**

Please see attachment labeled Q.13 Intra-Agency Reprogramming.

14. Please attach all **budget enhancement requests** submitted by your agency to the Mayor or Chief Financial Officer as part of the budget process for previous fiscal years of FY2021, FY2022, and FY2023.

**Answer:**

OLRCB works with the Office of the City Administrator to develop its budget. The FY2021, FY2022 and FY2023 budgets submitted by the Mayor to the Council reflects those efforts.

**b) Expenditures**

15. Please provide in Excel a table with the following information on each **contract, procurement, and lease** leveraged in FY2022 and FY2023 as of Jan. 1, 2023, with a value amount of \$10,000 or more. "Leveraged" includes any contract, procurement, or lease used by the agency as a new procurement, contract extension, or contract option year execution. This also includes direct payments, if applicable.

**Answer:**

In FY22, OLRCB had no contracts, procurements, and/or lease(s).

16. Please complete the following table with information on all **credit card, p-card, or purchase card purchases and expenditures** for FY2022 and FY2023, as of Jan. 1, 2023; add rows as necessary. Alternatively, you may attach monthly statements with this *same* information; however, please name the ultimate vendor and specific purpose of the purchase for any PayPal or other transaction with an indirect payment service like PayPal.

**Answer:**

Please see attachment labeled Q.16 CC and P-Card Purchases and Expenditures for FY2022. See FY2023 information in the chart below.

**Credit, p-card, and purchase card expenditures, FY2022 and FY2023**

<i>Employee name</i>	<i>Date of expenditure</i>	<i>Vendor name (do not list "PayPal;" name the ultimate vendor)</i>	<i>Dollar amount</i>	<i>Purpose of expenditure</i>
Mary Redfearn	Oct-Sept 2022	Comcast	\$711.20	Equipment
Mary Redfearn	Oct-Sept 2022	Airfare	\$2375.23	Travel
Mary Redfearn	Oct-Sept 2022	SHRM	\$	Training
Mary Redfearn				

17. Were any protests or appeals filed with the **Contract Appeals Board** in FY2022 or FY2023 as of Jan. 1, 2023, against or involving your agency? If so, please complete the following table with information on each such protest or appeal; add rows as necessary.

**Answer:**

In FY22, there were no protests or appeals filed with the Contract Appeals Board against or involving OLRCB.

**Contract Appeals Board cases filed FY2022 or FY2023, as of Jan. 1, 2023**

<i>Case number</i>	<i>Name of complainant</i>	<i>Date of complaint</i>	<i>Description of complaint</i>	<i>Disposition or Status</i>
N/A				

**III. Agency Organization and Personnel**

18. Please provide an **organizational chart** for the agency, arranged by division and subdivision, as of Jan.1, 2023.

- a. Show for each division and subdivision:
  - The names and titles of all personnel;
  - Include on the chart and denote as vacant or frozen any such positions;
- b. Note on the chart the date of the information if not Jan.1, 2023.

**Answer:**

Please see attachment labeled Q.18 Organizational Chart.

19. Please provide in Excel a **chart of all positions (i.e., Schedule A)** at the agency, as of January 1, 2023.

**Answer:**

Please see attachment labeled Q.19 Positions Chart.

20. How many staff members are assigned to negotiate collective bargaining agreements and how are workloads balanced among CBAs? For instance, what was the workload or caseload for each staffer who participated in negotiations or litigation, in each year FY2022 and FY2023?

**Answer:**

Each Attorney Advisor is assigned negotiations and litigation matters. Workloads are balanced based on attorney’s experience, complexity of the CBA or litigation matter, and availability of staff. In FY2022, each Attorney Advisor carried approximately twenty litigation cases and were assigned to five or six CBA negotiations teams. In FY2023, the

litigation caseload is the same as FY2022, but each attorney is assigned to two to three CBA negotiations teams.

21. Please list each **vacant position's** position number, position title and provide: (1) the date on which it became vacant and (2) the step or status of the hiring process for the position as of Jan.1, 2023.

Office of Labor Relations and Collective Bargaining (AKO)		
Position Number	Title	Vacancy Date
00046201	SUPERVISORY ATTORNEY ADVISOR	7/5/2022
00095308	ATTORNEY ADVISOR	7/3/2022
00040110	Attorney Advisor	12/5/2021
00043316	Attorney Advisor	10/9/2022
00016673	Administrative Officer	10/9/2022
00048146	Program Support Specialist	11/3/2021
<b>TOTAL POSITIONS= 6</b>		

**Answer:**

Please see attachment labeled Q.21 Vacancies. OLRCB is currently recruiting for the Attorney Advisors and Supervisory Attorney Advisor vacancies and plans to begin recruiting for the Administrative Officer and Program Support Specialist vacancies by the end of February 2023.

22. Regarding **term and temp employees:**

- a. For each term or temp employee (by position number) included in the schedule A who started in the position in FY2022 or FY2023, please provide a brief narrative to specify why the hire was done on a term or temp basis and not on a continuing basis.
- b. For each term or temp employee (by position number) included in the schedule A, indicate the start date of the position and the expected end date; and
- c. For each term employee (by position number) employed during FY2022 or FY2023 whose hire date is before FY2017, please explain why the employee is term and has not been converted to a permanent employee.

**Answer:**

In FY22, OLRCB did not employ term or temp employees.

23. How many and what percentage of employees at OLRCB as of Jan.1, 2023, were **District residents?**

**Answer:**

As of Jan.1, 2023, OLRCB has three (3) employees who are District residents, which is 27% of its eleven FTEs.

24. Please complete the following charts about the **residency of new hires** at OLRCB in FY2022 and FY2023:

**DC Residency of Employees Hired in FY 2022**

<i>Position Type</i>	<i>Total Number</i>	<i>Number who are District Residents</i>	<i>Percent of total who are District residents</i>
Continuing	4	1	25
Term	N/A		
Temporary	N/A		

**Answer:**

In FY22, OLRCB had four (4) new hires. One (1) is a District resident.

**DC Residency of Employees Hired in FY 2023, as of Jan.1, 2023**

<i>Position Type</i>	<i>Total Number</i>	<i>Number who are District Residents</i>	<i>Percent of total who are District residents</i>
Continuing	N/A		
Term	N/A		
Temporary	N/A		

**Answer:**

In FY23, as of Jan.1, 2023, OLRCB had no (0) new hires.

25. Please complete the following table regarding employees placed on **administrative leave** in FY2022 or FY2023. Specify (column 3) why the employee was placed on leave and note if the leave is a result of discipline or due to an investigation.

**Employees on Administrative Leave During FY2022 and FY2023**

<i>Employee's job title</i>	<i>Position number</i>	<i>Reason placed on leave; specify if disciplinary or due to investigation</i>	<i>Length of leave</i>	<i>Whether employee was separated</i>	<i>Whether the leave was/is paid or unpaid</i>	<i>Their current status (as of Jan.1, 2023).</i>
N/A						

**Answer:**

In FY22 and FY23, as of Jan.1, 2023, OLRCB did not place any employees on administrative leave.

26. For FY2022 and FY2023, as of Jan. 1, 2023, please complete the following table on each **employee separated** from the agency. Add rows as necessary.

**Employees Separated from OLRCB, FY2022 and FY2023**

<i>Employee name</i>	<i>Job title</i>	<i>Amount of separation pay, if relevant</i>	<i>Number of weeks of separation pay, if relevant</i>	<i>The reason for the separation; specify if it was due to probation, performance, or discipline</i>	<i>Length of OLRCB employment (in years)</i>
N/A					

**Answer:**

In FY22 and FY23, as of Jan.1, 2023, OLRCB did not separate any employees.

**IV. OLRCB Litigation & Related Matters**

27. For any **litigation** in which OLRCB was involved as the representative of District government management (DC government as an employer) in FY2022 or FY2023, as of Jan. 1, 2023, please provide the case name, court where filed, date of filing, cause of action or allegations, and current status of any litigation which is pending, and outcome of litigation which concluded. If it is unclear from the case name which party initiated the litigation, please provide this information.

**Answer:**

Please see attachment labeled Q.27 OLRCB Litigation Matters.

28. Please list any agency under the authority of the Mayor that represents itself before PERB or in District courts (as opposed to representation by OLRCB), and explain the division of responsibility between OLRCB and the covered agency with regards to representation.

**Answer:**

The Metropolitan Police Department (MPD), represents itself before the PERB on labor litigation issues; however, OLRCB represents MPD in negotiating collective bargaining agreements.

29. How many **labor-management disputes were mediated** in FY2022 and in FY2023, as of Jan.1, 2023, (whether or not they were ultimately resolved through mediation)? Please list the agencies and unions involved and the outcome (if the matter settled through mediation, was litigated, etc).

**Answer:**

Please see attachment labeled Q.29 Mediated Labor-Management Disputes.

30. In its FY2021 Performance Oversight responses, OLRCB stated that it would continue to work to **reduce its litigation costs**.
- What steps has OLRCB taken or strategies has it implemented to reduce these costs?
  - Please list total litigation costs for FY2022 and FY2023, as of Jan. 1, 2023, and itemize by reason for the expense (for example, contract attorney services or court filing fees).
  - How many full-time equivalent (FTE) hours have been spent implementing strategies to reduce litigation costs?
  - Have litigation costs been trending upward or downward?

**Answer:**

OLRCB does not incur litigation costs, however we endeavor to protect the District's budget by assessing cases to determine if early resolution would result in cost savings versus litigating through decision.

**V. Collective Bargaining**

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

**Answer:**

Please see attachment labeled Q.31 Current Union List.

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

**Answer:**

Please see attachment labeled Q.32 Master Chart Collective Bargaining Agreements FY22-23.



**33. CBAs entered after expiration date:**

- a. Please list every collective bargaining agreement for which the **expiration date passed** in FY2022 or the first quarter of FY2023, and for which a new agreement was not reached by the expiration date; include any agreement even if it continued to be in effect past the expiration date. Identify the agreement, agency(ies), unions, and the expiration date, and explain the status of that agreement (i.e. whether it is effective or not), and status of the negotiation for a new agreement.

**Answer:**

Please see attachment labeled Q.32 Master Chart Collective Bargaining Agreements FY22-23, which reflects, the expiration dates of all compensation and working conditions agreement.

- b. Please list any contracts that have passed their prior contract's expiration date but are still in negotiations. Please discuss the reason(s) for delay and describe how the agency intends to resolve each delay.

**Answer:**

Please see attachment labeled Q.32 Master Chart Collective Bargaining Agreements FY22-23, which reflects the status of negotiations for all compensation and working conditions agreements. For any negotiation that has been delayed since the prior agreement expired, the primary reasons for this are (1) the unavailability of funding during the throes of the COVID-19 pandemic and (2) staffing shortages at all affected agencies. For the most part, OLRCB has been able to complete these negotiations – closing out a record number of nine compensation agreements between January, 2022 – December, 2022. Parties to remaining pending negotiations continue to meet and bargain on a regular basis.

- c. Please list any negotiation which began more than six months after the bargaining unit formally demanded to begin negotiations and explain the cause of any delay.

**Answer:**

Please see attachment labeled Q.32 Master Chart Collective Bargaining Agreements FY22-23, which reflects the status of negotiations for all compensation and working conditions agreements. If any negotiation began more than six months after the bargaining unit formally demanded to begin negotiations, then such delay would be attributable to (1) the unavailability of funding during the throes of the COVID-19 pandemic and (2) staffing shortages at all affected agencies.

- 34.** DC. Code requires that contracts must be sent to the Council for review within 60 days of any agreement being reached. Please provide in Excel a table of any contracts which were submitted to Council more than 60 days after the date on which the CBAs were signed and provide a brief explanation for the delay.

**Answer:**

Please see attachment labeled Q.32 Master Chart Collective Bargaining Agreements FY22-23, which reflects, in yellow highlight, the agreement sent to the Council for review outside of 60 days from the agreement being agreed to and ratified.

We recognize that the DC Code requires that contracts must be sent to the Council for review within 60 days of the parties' reaching agreement, and OLRCB seeks to comply with this provision. However, there are several reasons why the District was unable to meet the 60-day requirement for the matters listed in the attachment.

First, even though the negotiating parties have signed off on agreements in principle or made tentative agreements, additional time is usually required for the parties to finalize the express language in the agreement, and then the final agreement must be ratified by the union's membership. That process alone can take longer than 60 days. Second, the DC Code requires that such submissions must be supported by Fiscal Impact Statement and other requisite documents. This process requires multiple levels of preparation, review, and approval across different District government agencies. OLRCB submits the tentative agreements to OAG for legal sufficiency review and to OCFO for fiscal impact sufficiency. Once both agencies approve the agreements, then OLRCB submits the finalized package with the agreement to the Executive Office of the Mayor for final review. Once approved, the final contract and accompanying documentation is filed with Council.

- 35.** Have any **CBAs been agreed to but not yet sent to the Council** for review? Please list the agreement date (signatures by negotiating parties), union(s), and reason the contract has not been submitted.

**Answer:**

Yes. As of January 3, 2022, parties have reached a tentative agreement in one compensation agreement that have not yet been sent to the Council. The Working Conditions and Compensation CBA between DCPS and Teamsters 639 was ratified by the Union on January 21, 2023 and is currently in the Legal Sufficiency Review and Financial Impact Statement process.

36. Please provide a brief explanatory paragraph for every agreement that was at an **impasse** during FY2022 or the first quarter of FY2023, including agency(ies) and unions, describe the issues unresolved, and provide current status.

**Answer:**

On November 5, 2021, the FALJ filed for impasse with PERB over successor negotiations with the Office of Administrative Hearings (OAH). The impasse was based solely on wages and compensation proposals. A hearing was held on May 16, 2022, and Arbitrator David Vaughn decided in OAH's favor on July 14, 2022. The Council approved the successor CBA on November 11, 2023.

On July 28, 2022, WTU filed for impasse with PERB over successor negotiations with District of Columbia Public Schools. The impasse was based on working conditions and compensation proposals. The parties reached agreement on a CBA on November 23, 2022, and the resolution is currently pending approval by the Council.

37. Please provide the following information regarding the **length of time to complete negotiations** for each CBA that was entered into in FY2022 or FY2023, as of Jan.1, 2023. For each CBA, include the date of expiration of the previous CBA (even if the CBA remained in effect); the date negotiations started; the date negotiations were completed; the implementation date of the newly negotiated contract; and the number of days between the date of the previous CBA's expiration and the implementation date of the newly negotiated CBA. Please also state what milestone you used to determine the implementation date for each CBA; for example, the date a pay raise appeared on members' paychecks. Please also note the dollar amount increase and percentage of the increase for each new contract from the previous one.

**Answer:**

Please see attachment labeled Q.37 Length of Negotiations.

38. Please list all **impacts and effects bargaining** conducted in FY2022 and FY2023, including the agency(ies), union(s), description of subject matters bargained or in bargaining, and status as of Jan.1, 2023 (e.g. if complete, the result; if it's negotiations currently, etc.).

**Answer:**

Please see attachment labeled Q.38 List of Impact and Effects Negotiations FY21-22.

39. Please provide a summary of the status of the contract negotiations with the Washington Teacher's Union (WTU).
- a. Please explain the current disposition of the negotiations.

**Answer:**

The parties reached agreement on a new CBA and the Union ratified the agreement on December 5, 2022. Council held a roundtable hearing on this agreement on February 1, 2023. Awaiting Council approval.

- b. Please explain any delays during or after the negotiation process

**Answer:**

Delays in this negotiation were due to (1) the COVID-19 pandemic, (2) disagreements as to compensation and working conditions proposals, (3) the failure of mediation, and (4) numerous Union changes in proposals and responses. In addition, there were some administrative issues in such a large CBA that needed to be worked out by the parties.

40. How does the OLRCB manage addendums to contracts after they are negotiated, and how are these additions to contracts after they have finished negotiations possible?

**Answer:**

Generally, active CBAs are modified and/or clarified by Memoranda of Agreement (MOAs) or Memoranda of Understanding (MOUs) as to specific provisions in the contract. The memoranda are negotiated similar to any other CBA proposals.

**VI. Agency Operations & Programs**

41. How many **unfair labor practice complaints** at PERB **were filed by unions** against District agencies represented by OLRCB in FY2022 and FY2023, thus far? Please note the agencies and unions involved and the case number issued by PERB. For those with a decision that has been issued, please summarize the results, e.g. number decided in favor of management, number decided in favor of unions, or other result, etc.?

**Answer:**

Please see attachment labeled Q.41 ULP's at PERB by Unions.

42. Please provide the following information regarding the **Negotiated Employee Assistance Home Purchase Program (NEAHP)**:

**Negotiated Employee Assistance Home Purchase Program, FY2020-FY2023**

	<b>FY2020</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023 (as of Jan. 1, 2023)</b>
<b>Applications received</b>	94	N/A	N/A	6
<b>Applications received from DC residents</b>	69	N/A	0	5
<b>Number of employees who purchased homes using NEAHP funds</b>	38	N/A	0	6
<b>Total funds distributed</b>	208,000	N/A	N/A	28,000.00
<b>Total/maximum funds available</b>	208,000	No funding available	No Funding Available	622,000.00

43. The collective bargaining agreement between the District of Columbia Government and Compensation Units 1&2 includes a provision that calls for the District to set aside \$650,000 for NEAHP during the term of the agreement (FY2022-FY2025). Please provide an update on the availability of this funding, the projected number of employees to be served with this funding and outreach provided to bargaining unit members making them aware of this new funding.

**Answer:**

NEAHP-included loans are based on availability of funds. NEAHP outreach is provided at all HPAP orientations/workshops. OLRCB cannot estimate the number of employee recipients of funding because the amount each applicant qualifies for varies. NEAHP information can be found on GWUL website and the OLRCB website.

44. Please provide the **number of homes purchased by Ward** with NEAHP funds, if available, in FY2020, FY2021, FY2022, and FY2023 as of Jan.1, 2023.

**Answer:**

<b>Number of Homes Purchase by Wards</b>	<b>FY20</b>	<b>FY21</b>	<b>FY22</b>	<b>FY 23 Q1</b>
<b>1</b>	0	0	0	0
<b>2</b>	0	0	0	0
<b>3</b>	0	0	0	0
<b>4</b>	2	0	0	0
<b>5</b>	3	0	0	0
<b>6</b>	0	0	0	0
<b>7</b>	4	0	0	3
<b>8</b>	3	0	0	3
<b>Total</b>	12	0	0	6

- a. If an applicant received NEAHP funds, please provide if they received assistance from the Home Purchase Assistance Program (HPAP) as well as dollar amount, they received.

**Answer:**

<b>NAME</b>	<b>HPAP</b>	<b>EAHP</b>	<b>EAHP Matching Grant</b>	<b>TOTAL</b>
Employee A	105,000.00	20,000.00	-	125,000.00
Employee B	143,800.00	20,000.00	5,000.00	168,800.00
Employee C	99,646.00	20,000.00	1,000.00	120,000.00
Employee D	-	20,000.00	5,000.00	25,000.00
Employee E	206,000.00	20,000.00	-	226,000.00
Employee F	206,000.00	20,000.00	-	226,000.00

**45.** For each **PERB decision issued** in FY2021 or FY2022, until Jan.1. 2022, that required corrective action by management, please list the case number, agency involved, union(s) involved, brief description of the decision or action to be taken, date of the decision, and date of implementation. For example, an order for a unit to move to a different union would be the description and date of implementation would be the date the unit received the necessary pay adjustment.

**Answer:**

PERB Case No. 21-U-10 – NAGE vs. Department of Forensic Sciences – This matter was linked to a Unit Classification petition filed by the Union. The Agency had excluded IT employees, digital evidence unit (DEU) employees, quality assurance specialists, and safety and health occupational specialists from the bargaining unit. Prior to hearing, the Agency agreed that IT and DEU employees should be in the bargaining unit. The Hearing Examiner determined that the Agency did not violate the CMPA in excluding quality assurance specialists but should not have excluded safety and health occupational specialists from the bargaining unit. The Board upheld this ruling on July 22, 2022. DFS complied with the Order immediately thereafter.

**46.** How many **unfair labor practice complaints at PERB were filed against unions** by the District or a District agency in FY2022 and FY2023? Please note the agencies and unions involved. For those with a decision that has been issued, please summarize the results, e.g. number decided in favor of management, number decided in favor of unions, number withdrawn, etc.?

**Answer:**

There were no unfair labor practice complaints filed.

## VII. Agency Disputes

47. Please list in chronological order any other (non-union) **complaints against or regarding OLRCB or its employees, filed by any District government employee**, that were filed or pending in FY2022 or FY2023. Do not include items covered in question 26. Include complaints originating in any forum, including with other District agencies; complaints on any matter, including human resources, personnel, sexual harassment, financial, or other matters; and complaints filed against a current agency employee related to their employment at the agency, or related to any previous employment at another District agency. For each complaint:
- Provide the agency name and office of the complainant at the time the matter occurred.
  - Provide the name of the forum or agency notified of the complaint (whether or not it was a written complaint).
  - Specify if the complaint concerns a colleague or supervisor of the complainant.
  - Provide a brief description of the allegations or conduct at issue and the current status.
  - Describe the response to the complaint or grievance, including any disciplinary action taken and any changes to agency policies or procedures.
  - For any complaint or grievance that was resolved in FY22 or FY23, to date, describe the resolution or outcome.

**Answer:**

There were no complaints against or regarding OLRCB or its employees.

48. Please list in chronological order all **administrative grievances or complaints filed by parties outside District government** against the agency regarding services provided by or actions of the agency or any employee of the agency in FY2022 or FY2023, as of Jan.1, 2023. Do not include items covered in question 26.
- Describe the complainant (e.g. [Program name] customer)
  - For each grievance or complaint, give a brief description of the matter as well as the current status.
  - Please describe the process utilized to respond to the complaint or grievance and any changes to agency policies or procedures as a result.
  - For any complaints or grievances that were resolved in FY2022 or FY2023, to date, describe the resolution.

**Answer:**

There were no administrative grievances or complaints filed by parties outside District government.



- 49.** Please list all **settlements** entered into by OLRCB or by the Office of the City Administrator or the District on behalf of OLRCB in FY2022 or FY2023, as of Jan.1, 2023, including any covered by D.C. Code § 2-402(a)(3), which requires the Mayor to pay certain settlements from agency operating budgets if the settlement is less than \$10,000 or results from an incident within the last two years. Do not include items covered in question 26. For each, provide.
- a. The parties' names,
  - b. The date the settlement was entered into;
  - c. The amount of the settlement,
  - d. If related to litigation, the case name, court where claim was filed, case docket number, and the allegations; or
  - e. If unrelated to litigation, please describe the allegations or nature of the dispute that led to the settlement (e.g. sexual harassment, etc.).

**Answer:**

OLRCB settled no such cases in FY22 or FY23 through January 1, 2023.

**VIII. Evaluation and Information**

- 50.** For all **studies, research papers, reports, evaluations, and analyses**, including those provided by contractors or consultants, that OLRCB prepared or contracted for during FY2022 and FY2023, as of Jan. 1, 2023:
- a. For any study, paper, report, or analysis that is complete, please attach a copy.
  - b. For any study, paper, report, or analysis still underway, please provide Report name, author(s), and purpose; expected completion date; purpose and description of contents; and contract number or grant name if the report was produced by a contractor or grantee.

**Answer:**

OLRCB has not prepared any such reports but has contracted for reports and analyses in the context of compensation bargaining. However, those reports, and analyses are protected under the work-product doctrine and D.C. Official Code § 1-617.17(h), which provides that “[c]ompensation negotiations pursuant to this section shall be confidential among the parties” and that “[a]ll information concerning negotiations shall be considered confidential until impasse resolution proceedings have been concluded or upon settlement.” The relevant requested information is concerning pending negotiations; thus, it is confidential and cannot be disclosed until resolved by either impasse or settlement.

**51.** Please list and describe any **investigations, audits, or reports by outside entities** that have requested or required participation by the OLRCB or any employee that were conducted during FY2022 or FY2023, as of Jan. 1, 2023, or that are ongoing. Also, please provide the url or *attach copies* of any such document that is not online. Include any routine or ad hoc monitoring, site reviews, desk audits, or other reviews or audits by federal agencies, the Office of the Inspector General, the DC Auditor, or *any other* local or federal governmental entity.

**Answer:**

OLRCB did not receive any requests for investigations, audits, or reports by outside entities.

**52.** Please list all **recommendations identified by the Office of the Inspector General, DC Auditor, or other federal or local oversight entities** during FY2021, FY2022, or FY2023, as of Jan. 1, 2023 about OLRCB or DC government labor-management practices. Please provide an update on what actions have been taken to address each recommendation. If the recommendation has not been implemented, please explain why.

**Answer:**

OLRCB received no recommendations identified by the Office of the Inspector General, DC Auditor, or other federal or local oversight entities.

**53.** Please attach a copy the agency's **FOIA disclosure report(s)** for FY2022.

**Answer:**

Please see attachment labeled Q.53 FY22 FOIA Disclosure Report.

**54.** Please attach a **log of all FOIA requests** received in FY2022 and FY2023 with the request number, the name of the requestor, the request date, and a brief description of the information requested.

**Answer:**

Please see attachment labeled Q.54 FY22 FOIA Request Log.