MINUTES

PERB held its regular monthly meeting on Thursday, October 19, 2023, at 11:00 a.m. via Webex Meeting Conference. Board Chairperson Douglas Warshof, presiding; Board Member Renee Bowser and Board Member Mary Anne Gibbons were present.

Staff Attendance: Executive Director Clarene Martin, Supervisory Attorney Advisor Royale Simms, Attorney Advisor Isaac Katz, Attorney Advisor Elizabeth Slover, Attorney Advisor Rita Solomon, Operations Manager Crystal Davis, Program Analyst Dawan Jones, and Senior Staff Assistant Gertie Elam.

The Board adopted the September 21, 2023, meeting minutes.

The Executive Director reported the following:

1. On Tuesday, October 17, 2023, PERB attended the "FY25 Budget Formulation Kickoff" hosted by the Office of Budget and Performance Management.
2. Second Tuesdays at PERB was held on October 9, 2023, and discussed the topic "An Overview of PERB Law and Procedures."
3. During September, 2 cases were closed, 2 cases were opened, 2 mediations, and 1 hearing were held.
4. In FY23, 35 cases were opened, 42 cases were closed, 15 mediations and 11 hearings were held. PERB also hosted 11 Board Meetings and 8 Second Tuesdays Trainings.

DOCKET:

Supervisory Attorney Advisor Royale Simms summarized the following matters on the docket for Board consideration:

A. Darlene Bryant, et al v. Fraternal Order of Polie/Department of Corrections Labor Committee
PERB Case No. 22-S-05

Summary: The Complainants allege that FOP violated D.C. Official Code § 1-617.03(a)(1) and (5) by: (1) dispersing fraudulent reimbursements to certain Executive Committee members; (2) failing to remove those Executive Committee Members; (3) failing to act on a general membership vote to remove the Executive Committee Treasurer; and (4) failing to obtain complete, unbiased financial audits. FOP filed an Answer, asserting that the Executive Committee requested an audit shortly after taking office, that it forwarded the resultant audit report to the FOP Judiciary Committee, and that the FOP Chairman rejected the general membership vote to remove the Treasurer as out of compliance with FOP by-laws. This matter is now before the Board.

B. <u>District of Columbia Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department Labor Committee</u>
PERB Case No. 22-A-09(R)

Summary: This matter comes before the Board pursuant to the D.C. Superior Court Order remanding the Board's decision in Opinion No. 1826. MPD filed an Arbitration Review Request in that case, seeking review of an arbitral award that reinstated a terminated police officer on the grounds that the Award was contrary to law and public policy. The Board upheld the Award and denied MPD's Request. MPD appealed the Board's decision.

While this case was pending appeal, the D.C. Council enacted the Comprehensive Policing and Justice Reform Amendment Act of 2022, which retroactively repealed the statute on which the Arbitrator based his decision. The Superior Court remanded the case back to the Board for consideration of the case in light of the Reform Act. MPD's Request is now before the Board.

C. <u>Fraternal Order of Police/Metropolitan Police Department Labor Committee v. District of Columbia Metropolitan Police Department</u>
PERB Case No. 22-U-14

Summary: FOP alleges that MPD committed an unfair labor practice by refusing to bargain over a policy change concerning the dismissal of Notices of Infraction for speeding violations officers incur while driving unmarked vehicles on official police business. MPD denies that it changed the policy. This matter is now before the Board.

It was moved and seconded to close the meeting in accordance with D.C. Official Code § 2-575(b)(13). The motion passed unanimously.

Following deliberations, the closed meeting session was reopened. The Board voted as follows:

A. <u>Darlene Bryant, et al v. Fraternal Order of Police/Department of Corrections Labor Committee</u>
PERB Case No. 22-S-05

Motion: It was moved and seconded that the Board finds that the Fraternal Order of Police/Department of Corrections Labor Committee violated the CMPA standards of conduct for labor organizations by failing to maintain fiscal integrity. It was also moved that PERB notify the Fraternal Order of Police/Department of Corrections Labor Committee that a hearing will be held approximately 30 days from the date of service of this decision and order to determine whether the labor committee has complied with the fiscal integrity standard of the conduct for labor organizations. If the board determines that such compliance is insufficient at that time, it will notify the labor committee that it may initiate a process of decertifying the labor committee as an exclusive bargaining representative pursuant to DC official code section 1-605.02 or take other appropriate action.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Mary Anne Gibbons	X		
Board Member Renee Bowser	X		

B. **District of Columbia Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department Labor Committee**
PERB Case No. 22-A-09(R)

Motion: It was moved and seconded that the Board grant MPD's arbitration review request, vacate its prior decision in Slip Op. No. 1826, and remand the case back to the Arbitrator for further proceedings consistent with the Comprehensive Policing and Justice Reform Amendment Act of 2022.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Mary Anne Gibbons	X		
Board Member Renee Bowser	X		

C. **Fraternal Order of Police/Metropolitan Police Department Labor Committee v. District of Columbia Metropolitan Police Department**
PERB Case No. 22-U-14

Motion: It was moved and seconded that the Board dismiss the unfair practice complaint.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Mary Anne Gibbons	X		
Board Member Renee Bowser	X		

Old Business: None

The meeting was adjourned at 12:05 p.m.

The next Board meeting will be held on Thursday, November 16, 2023.

MINUTES

PERB held its regular monthly meeting on Wednesday, November 29, 2023, at 11:00 a.m. via Webex Meeting Conference. Board Chairperson Douglas Warshof, presiding; Board Member Renee Bowser, Board Member Mary Anne Gibbons, and Board Member Peter Winkler were present.

Staff Attendance: Executive Director Clarene Martin, Supervisory Attorney Advisor Royale Simms, Attorney Advisor Isaac Katz, Attorney Advisor Elizabeth Slover, Attorney Advisor Rita Solomon, Operations Manager Crystal Davis, Program Analyst Dawan Jones, and Senior Staff Assistant Gertie Elam.

The Board adopted the October 19, 2023 meeting minutes.

The Executive Director reported the following:

1. Second Tuesdays at PERB was held on November 21, 2023, and discussed the topic "Collective Bargaining."
2. During October, 4 cases were closed, 4 cases were opened, 4 mediations were held, and 1 hearing was held.

DOCKET:

Supervisory Attorney Advisor Royale Simms summarized the following matters on the docket for Board consideration:

A. American Federation of Government Employees, AFL-CIO Local 872 and D.C. Water and Sewer Authority
PERB Case No. 22-UM-01

Summary: AFGE filed a Petition requesting that the Board modify the existing bargaining unit at WASA to add several positions that were created or revised since the initial certification. AFGE also requests that the Board amend Certification No. 95 and Certification No. 106 to consolidate the two bargaining units represented by AFGE at WASA into one unit under the exclusive representation of AFGE. Additionally, AFGE requests that the Board modify the names of some divisions within the bargaining unit to conform to WASA's current organizational structure. WASA opposes the proposed modifications to the bargaining unit. This matter is now before the Board.

B. <u>District of Columbia Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department Labor Committee</u>
PERB Case No. 23-A-05 and 23-A-06

Summary: In these consolidated Arbitration Review Requests, both parties seek review of an arbitration review that sustained a class grievance against MPD for failure to pay bargaining unit members' negotiated wage increases, retention pay, and retroactive pay. The arbitrator found that MPD's failure to timely implement the negotiated compensation increases violated the parties' CBA and the CMPA and ordered MPD to pay 4% interest on all retroactive payments, attorney fees, and costs while denying FOP's request for liquidated damages. MPD seeks review on the grounds that the award is contrary to law. FOP seeks review on the grounds that the award is contrary to law and public policy. This matter is now before the Board.

It was moved and seconded to close the meeting in accordance with D.C. Official Code § 2-575(b)(13). The motion passed unanimously.

Following deliberations, the closed meeting session was reopened. The Board voted as follows:

A. <u>American Federation of Government Employees, AFL-CIO Local 872 and D.C. Water and Sewer Authority</u>
PERB Case No. 22-UM-01

Motion: It was moved and seconded that the Board grant the Petition, in part, and modify Certification No. 106 to include WASA employees in the position of "Specialist, Compliance Water Quality."

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Mary Anne Gibbons	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		

B. <u>District of Columbia Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department Labor Committee</u>
PERB Case No. 23-A-05 and 23-A-06

Motion: It was moved and seconded that the Board consolidate these two arbitration review requests, modify the draft decisions as discussed, and deny both arbitration review requests.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Mary Anne Gibbons	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		

<u>Old Business: None</u>

The meeting was adjourned at 11:39 a.m.

The next Board meeting will be held on Thursday, December 21, 2023.

MINUTES

PERB held its regular monthly meeting on Thursday, December 21, 2023, at 11:00 a.m. via Webex Meeting Conference. Board Chairperson Douglas Warshof, presiding; Board Member Renee Bowser, Board Member Mary Anne Gibbons, and Board Member Peter Winkler were present.

Staff Attendance: Executive Director Clarene Martin, Supervisory Attorney Advisor Royale Simms, Attorney Advisor Isaac Katz, Attorney Advisor Rita Solomon, Operations Manager Crystal Davis, Program Analyst Dawan Jones, and Senior Staff Assistant Gertie Elam.

The Board adopted the November 29, 2023 meeting minutes.

The Executive Director reported the following:

1. Term extensions have been provided by the Mayor's Office of Talent and Appointments for Board Members Renee Bowser and Mary Anne Gibbons to continue to serve on the PERB Board for the next 180 days. The nomination packets have been submitted to Council to be reviewed during the roundtable in January 2024.
2. Second Tuesdays at PERB was held on December 12, 2023, and discussed the topic "Subjects of Bargaining."

DOCKET:

Supervisory Attorney Advisor Royale Simms summarized the following matters on the docket for Board consideration:

A. Samantha Brown v. District of Columbia Public Schools
PERB Case No. 22-U-16

Summary: Complainant filed an unfair labor practice claim alleging that DCPS retaliated against her for protected union activities by discriminating against her, falsifying information used to lower her performance evaluation scores, and failing to engage in informal mediation she requested out of compliance with the parties' collective bargaining agreement. This matter is now before the Board.

B. American Federation of State, County, and Municipal Employees, District Council 20, Local 201 v. Office of the Attorney General
PERB Case No. 23-U-02

Summary: AFSCME filed an unfair labor practice claim alleging that OAG committed an unfair labor practice by interfering with the rights of bargaining unit employees to Union representation and assistance during performance improvement plan (PIP) meetings. The matter is now before the Board.

C. **Fraternal Order of Police Protective Service Division-Labor Committee v. District of Columbia Department of General Services**
PERB Case No. 23-A-07

Summary: FOP filed an arbitration review request, seeking review of an arbitration award which denied the grievance FOP filed on behalf of three SPOs employed with DGS. In the Award, the Arbitrator found that DGS' decision not to automatically convert the SPOs from term to permanent status did not violate the parties' CBA or Compensation Agreement. The Arbitrator also determined that although DGS violated the DPM by extending the SPOs' terms by a period of less than twelve months, there was no appropriate remedy for that violation. FOP seeks review of the Award on the grounds that the Arbitrator exceeded his authority, and the Award is contrary to law. DGS opposes FOP's Request. This matter is now before the Board.

It was moved and seconded to close the meeting in accordance with D.C. Official Code § 2-575(b)(13). The motion passed unanimously.

Following deliberations, the closed meeting session was reopened. The Board voted as follows:

A. **Samantha Brown v. District of Columbia Public Schools**
PERB Case No. 22-U-16

Motion: It was moved and seconded that the Board remand this matter to the hearing examiner with instructions as discussed. Also, the Board asked that the staff provide the board with a
draft of the instructions for our review before sending them to the hearing examiner.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Mary Anne Gibbons	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		

B. **American Federation of State, County, and Municipal Employees, District Council 20, Local 201 v. Office of the Attorney General**
PERB Case No. 23-U-02

Motion: It was moved and seconded that the Board find that OAG committed an unfair labor practice and that the Board order OAG to cease and desist its unlawful conduct.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Mary Anne Gibbons	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		

C. **Fraternal Order of Police Protective Service Division-Labor Committee v. District of Columbia Department of General Services**
PERB Case No. 23-A-07

Motion: It was moved and seconded that the Board deny the Arbitration Review Request and dismiss this matter in its entirety.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Mary Anne Gibbons	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		

Old Business: None

The meeting was adjourned at 12:13 p.m.

The next Board meeting will be held on Thursday, January 18, 2024.

MINUTES

PERB held its regular monthly meeting on Thursday, January 18, 2024, at 11:00 a.m. via Webex Meeting Conference. Board Chairperson Douglas Warshof, presiding; Board Member Renee Bowser, Board Member Mary Anne Gibbons, and Board Member Peter Winkler were present.

Staff Attendance: Acting Executive Director Royale Simms, Attorney Advisor Elizabeth Slover, Attorney Advisor Isaac Katz, Attorney Advisor Rita Solomon, Program Analyst Dawan Jones, and Senior Staff Assistant Gertie Elam.

The Board adopted the December 21, 2023, meeting minutes.

The Executive Director reported the following:

1. Case Management Report – 5 cases closed, 4 opened for a total of 21 cases currently open. There was a correction from the Court of Appeals that only 1 case was remanded instead of 2.
2. Second Tuesdays at PERB was held on January 9, 2024, and discussed the continued topic "Subjects of Bargaining."

DOCKET:

Supervisory Attorney Advisor Royale Simms summarized the following matters on the docket for Board consideration:

A. Office of the Attorney General for the District of Columbia v. American Federation of Government Employees, Local 1403
PERB Case No. 24-N-01

Summary: OAG filed a negotiability appeal after AFGE declined to bargain over OAG's proposal regarding termination of probationary employees. AFGE asserts that the proposal is nonnegotiable and violative of the Legal Services Act. OAG argues that the proposal is negotiable and denies that the proposal violates the Legal Services Act. This matter is now before the Board.

B. Yonah Bromberg Gaber, et al v. American Federation of State, County, and Municipal Employees, Local 1808
PERB Case No. 23-S-03

Summary: Fourteen DCPL employees filed a standards of conduct complaint against AFSCME, alleging that the Union violated the CMPA and its Constitution by failing to provide appropriate notice and a reasonable opportunity for all members to vote in an upcoming election. This matter is now before the Board.

C. **John Rosser, et al. v. Fraternal Order of Police Department of Corrections Labor Committee and Executive Board Members Joseph Alexander and Adedeji Adebiyi**
PERB Case No. 23-S-01

Summary: Complainants Rosser and Ellis brought this claim against the Union, alleging that its Executive Board members violated their rights to due process during the Union's investigation and disposition of financial misconduct allegations brought forth by the Executive Board against the Complainants. The matter is now before the Board.

It was moved and seconded to close the meeting in accordance with D.C. Official Code § 2-575(b)(13). The motion passed unanimously.

Following deliberations, the closed meeting session was reopened. The Board voted as follows:

A. **Office of the Attorney General for the District of Columbia v. American Federation of Government Employees, Local 1403**
PERB Case No. 24-N-01

Motion: It was moved and seconded that the Board deny the appeal.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Mary Anne Gibbons	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		

B. **Yonah Bromberg Gaber, et al v. American Federation of State, County, and Municipal Employees, Local 1808**
PERB Case No. 23-S-03

Motion: It was moved and seconded that the Board remand the matter back to the Hearing Examiner for further findings concerning the complainants allegations that AFSCME conducted the election on March 30,2023 in a manner which violated AFSCME's constitution and DC official code section 1-617.03 A1 and 4 of the CMPA.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Mary Anne Gibbons	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		

C. **John Rosser, et al. v. Fraternal Order of Police Department of Corrections Labor Committee and Executive Board Members Joseph Alexander and Adedeji Adebiyi PERB Case No. 23-S-01**

Motion: It was moved and seconded that the Board delay a decision pending further research into the case.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Mary Anne Gibbons	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		

Old Business: None

The meeting was adjourned at 12:13 p.m.

It was suggested that the next Board meeting be held after February 15th due to the agency's Performance Oversight Hearing

DRAFT MINUTES

PERB held its regular monthly meeting on Thursday, February 22, 2024, at 1:00 p.m. via Webex Meeting Conference. Board Chairperson Douglas Warshof, presiding; Board Member Renee Bowser, Board Member Mary Anne Gibbons, and Board Member Peter Winkler were present.

Staff Attendance: Acting Executive Director Royale Simms, Attorney Advisor Elizabeth Slover, Attorney Advisor Rita Solomon, Administrative Officer Crystal Davis, Program Analyst Dawan Jones, and Senior Staff Assistant Gertie Elam.

The Board adopted the January 18, 2024, meeting minutes.

The Executive Director reported the following:

1. Case Management Report – 2 cases closed, 12 opened for a total of 30 cases currently open. 1 Superior Court Case closed. 3 mediations were held, and 1 hearing.
2. Second Tuesdays at PERB was held on February 13, 2024, and the encore of "the 1963 Sanitation Workers Strike Documentary" was shown. A discussion followed facilitated by Mr. John Higgins.

DOCKET:

Supervisory Attorney Advisor Royale Simms summarized the following matters on the docket for Board consideration:

A. John Rosser and Laurine Ellis v. Fraternal Order of Police D.C. Department of Corrections Labor Committee and Executive Board Members Joseph Alexander and Adedeji Adebiyi
PERB Case No. 23-S-01

Summary: Complainants Rosser and Ellis brought this claim against the Union, alleging that its Executive Board members violated their rights to due process during the Union's investigation and disposition of financial misconduct allegations brought forth by the Executive Board against the Complainants.

B. Darlene Bryant, Edwin Hull, Dyson Anthony v. Fraternal Order of Police Department of Corrections Labor Committee
PERB Case No. 23-S-05

Summary: Complainant FOP/DOC Labor Committee members filed this standard of conduct complaint against the Union's Executive Board. The Complainants allege that members of the Executive Board engaged in financial misconduct in violation of D.C. Official Code § 1-617.03(a)(5).

C. **<u>AFSCME District Council 20, Local 2401 v. Office of the Attorney General</u>**
PERB Case No. 23-U-02

Summary: Respondent OAG filed this motion for reconsideration of the Board's decision in Opinion No. 1855.

D. **<u>District of Columbia Public Schools v. Washington Teachers' Union #6</u>**
PERB Case No. 24-A-02

Summary: DCPS filed an arbitration review request, seeking review of a supplemental arbitration award which ordered DCPS to provide specific forms of make-whole relief to a reinstated teacher, including reimbursement of early retirement fund withdrawal fees, and a tax gross-up for the lump sum payment of back wages. DCPS requests that the Board set aside those two portions of the Supplemental Award on the grounds that the Arbitrator exceeded his authority, and the Supplemental Award is contrary to law and public policy. WTU opposes DCPS' Request. This matter is now before the Board.

It was moved and seconded to close the meeting in accordance with D.C. Official Code § 2-575(b)(13). The motion passed unanimously.

Following deliberations, the closed meeting session was reopened. The Board voted as follows:

A. **<u>John Rosser and Laurine Ellis v. Fraternal Order of Police D.C. Department of Corrections Labor Committee</u>**
PERB Case No. 23-S-01

Motion: It was moved and seconded that the Board dismiss the Standards of Conduct complaint.

Name	**In Favor**	**Opposed**	**Table**
Chairperson Douglas Warshof	X		
Board Member Mary Anne Gibbons	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		

B. **Darlene Bryant, Edwin Hull, Dyson Anthony v. Fraternal Order of Police Department of Corrections Labor Committee**
PERB Case No. 23-S-05

Motion: It was moved and seconded that the Board dismiss the Standards of Conduct complaint.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Mary Anne Gibbons	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		

C. **AFSCME District Council 20, Local 2401 v. Office of the Attorney General**
PERB Case No. 23-U-02

Motion: It was moved and seconded that the Board deny OAG's Motion for Reconsideration of PERB Opinion No.1855.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Mary Anne Gibbons	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		

D. <u>District of Columbia Public Schools v. Washington Teachers' Union #6</u>
PERB Case No. 24-A-02

Motion: It was moved and seconded that the Board deny the Arbitration Review Request.

Name	**In Favor**	**Opposed**	**Table**
Chairperson Douglas Warshof	X		
Board Member Mary Anne Gibbons	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		

<u>Old Business: None</u>

The meeting was adjourned at 1:53 p.m.

The next meeting will be held on March 21, 2024

MINUTES

PERB held its regular monthly meeting on Thursday, March 20, 2024, at 11:00 a.m. via Webex Meeting Conference. Board Chairperson Douglas Warshof, presiding; Board Member Renee Bowser, Board Member Mary Anne Gibbons, and Board Member Peter Winkler were present.

Staff Attendance: Acting Executive Director Royale Simms, Attorney Advisor Elizabeth Slover, Attorney Advisor Rita Solomon, Administrative Officer Crystal Davis, Program Analyst Dawan Jones, and Senior Staff Assistant Gertie Elam.

The Board adopted the February 22, 2024, meeting minutes.

The Executive Director reported the following:

1. Case Management Report – 4 cases closed, 7 opened for a total of 34 cases currently open. 1 Mediation was held.
2. The second Tuesdays at PERB was held on March 19, 2024, and the topic: "Duty to Supply Information" facilitated by Mr. John Higgins.

Oral Arguments – PERB Case No. 22-S-05 – Tasheanna Harris et, al.v. Fraternal Order of Police/Department of Corrections Labor Committee. Presentations by Tasheanna Harris on behalf of Complainants, Cherno Mballow on behalf of Local Chair, Joseph Alexander on behalf Respondents. Each Presenter had 15 minutes to present their arguments. Other interested persons were each given 2 minutes to make statements.

DOCKET:

Acting Executive Director Royale Simms summarized the following matters on the docket for Board consideration:

A. American Federation of State, County and Municipal Employees, Local 2743 v. District of Columbia Department of Insurance, Securities, and Banking
PERB Case No. 23-U-06

Summary: AFSCME filed an unfair labor practice complaint against DISB. The Complaint alleges that DISB retaliated against an employee—the Vice President of AFSCME, Local 2743—in retaliation for his protected union activity by refusing to recommend him for a performance allowance for FY22 or explain any decision not to recommend him. DISB filed an answer denying any violation of the CMPA, and further asserting affirmative defenses to the complaint. DISB submitted exceptions to the Hearing Examiner's report and recommendations. AFSCME submitted an opposition to DISB's exceptions.

B. District of Columbia Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department of Labor Committee
PERB Case No. 24-A-01

Summary: MPD filed an arbitration review request seeking review of an arbitration award that ordered MPD to reinstate a terminated MPD officer with a make-whole remedy and reinstatement to the officer's previous placement in the Narcotics and Special Investigation Division. MPD requests review on the grounds that the Award is contrary to law and public policy. FOP opposes MPD's request.

C. District of Columbia Office of the Attorney General v. American Federation of State, County and Municipal Employees, District Council 20, Local 2401
PERB Case No. 24-A-03

Summary: OAG filed an arbitration review request, seeking review of an arbitration award which ordered OAG to reinstate a terminated Information Technology Specialist with backpay. OAG requests that the Board reverse the Award on the grounds that it is contrary to law and public policy. In the alternative, OAG requests that the Board remand this matter to the Arbitrator for clarification. AFSCME opposes OAG's Request.

D. SIEU United Healthcare Workers East, Local 1199 v. District of Columbia Department of Behavioral Health
PERB Case No. 24-N-02

Summary: SEIU filed a negotiability appeal concerning a proposal that sought to require DBH to engage in impact and effects bargaining upon the enactment of legislation that affects the licensure of social workers. DBH declared SEIU's proposal nonnegotiable, asserting that it unreasonably interfered with the exercise of a management right. SEIU filed the present Appeal, requesting that the Board find the proposal negotiable.

E. American Federation of Government Employees, Local 631 v. District of Columbia Water and Sewer Authority
PERB Case No. 24-U-09

Summary: AFGE, Local 631 filed an unfair labor practice Complaint against WASA. AFGE, Local 631 alleges that WASA (i) illegally withdrew from bargaining with the Union after the declaration of impasse, (ii) denied the Union its right, as exclusive representative, to bargain for employees, and (iii) illegally refused to provide paid parental leave (PPL) benefits to employees represented by the Union, in violation of D.C. Official Code § 1-617.04(a)(1), (3), and (5).

F. **American Federation of Government Employees, Local 631 v. District of Columbia Water and Sewer Authority**
PERB Case No. 24-I-02(MFR)

Summary: AFGE, Local 631 filed this motion for reconsideration of the Executive Director's administrative dismissal of its Request for Impasse in this case.

It was moved and seconded to close the meeting in accordance with D.C. Official Code § 2-575(b)(13). The motion passed unanimously.

Following deliberations, the closed meeting session was reopened. The Board voted as follows:

A. **American Federation of State, County and Municipal Employees, Local 2743 v. District of Columbia Department of Insurance, Securities, and Banking**
PERB Case No. 23-U-06

Motion: It was moved and seconded that the Board adopt the Hearing Examiner's findings, conclusions and recommendations and find that DISB committed an unfair labor practice by denying the Complainant a performance allowance in retaliation for the Complainant's protected union activity.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Mary Anne Gibbons	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		

B. **District of Columbia Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department of Labor Committee**
PERB Case No. 24-A-01

Motion: It was moved and seconded that the Board deny the Arbitration Review Request.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Mary Anne Gibbons	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		

C. **District of Columbia Office of the Attorney General v. American Federation of State, County and Municipal Employees, District Council 20, Local 2401**
PERB Case No. 24-A-03

Motion: It was moved and seconded that the Board deny the Arbitration Review Request.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Mary Anne Gibbons	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		

D. **SIEU United Healthcare Workers East, Local 1199 v. District of Columbia Department of Behavioral Health**
PERB Case No. 24-N-02

Motion: It was moved and seconded that the Board deny the negotiability appeal.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Mary Anne Gibbons	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		

E. **American Federation of Government Employees, Local 631 v. District of Columbia Water and Sewer Authority**
PERB Case No. 24-U-09

Motion: It was moved and seconded that the Board find that WASA committed an unfair labor practice.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Mary Anne Gibbons	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		

F. **American Federation of Government Employees, Local 631 v. District of Columbia Water and Sewer Authority**
PERB Case No. 24-I-02(MFR)

Motion: It was moved and seconded that the Board grant the motion for reconsideration.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Mary Anne Gibbons	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		

Old Business: None

The meeting was adjourned at 1:53 p.m.

The next meeting will be held on April 18, 2024

DRAFT MINUTES

PERB held its regular monthly meeting on Thursday, April 18, 2024, at 11:00 a.m. via Webex Meeting Conference. Board Chairperson Douglas Warshof, presiding; Board Member Renee Bowser and Board Member Peter Winkler were present.

Staff Attendance: Acting Executive Director Royale Simms, Attorney Advisor Elizabeth Slover, Attorney Advisor Rita Solomon, Administrative Officer Crystal Davis, and Program Analyst Dawan Jones.

The Board adopted the March 21, 2024, meeting minutes.

The Acting Executive Director reported the following:

1. PERB's Annual Budget Hearing with the Committee on Executive Administration and Labor will be held on Friday, April 26, 2024.
2. The Committee on Executive Administration and Labor approved the renominations of Board members Renee Bowser and Mary Anne Gibbons.
3. The Financial Disclosure Statements are due to the Board of Ethics and Government Accountability on May 15, 2024.
4. March Case Management Report – 10 cases closed, for a total of 33 cases closed for the fiscal year, and 1 case was opened with the DC Court of Appeals.
5. Second Tuesdays at PERB was held on March 19, 2024, and the topic: "Duty To Supply Information" was facilitated by Mr. John Higgins.

DOCKET:

Acting Executive Director Royale Simms summarized the following matters on the docket for Board consideration:

A. Yonah Bromberg Gaber, et al. v. American Federation of State, County and Municipal Employees, Local 1808
PERB Case No. 23-S-03

Summary: Fourteen D.C. Public Library employees filed a pro se standards of conduct Complaint against AFSCME, Local 1808, alleging that AFSCME violated the CMPA and its Constitution by failing to provide a reasonable opportunity for all members to vote in a March 30, 2023, internal union election. This matter went to a Hearing. Finding that the Hearing Examiner's Report and Recommendations solely addressed a separate May 18, 2024, election, the Board issued Opinion No. 1857, remanding this case to the Hearing Examiner for findings regarding the allegations in the Complaint. The Hearing Examiner issued a Report on Remand, concluding that both elections violated the CMPA and AFSCME's Constitution. This matter is now before the Board.

B. **District of Columbia Public Schools v. Washington Teachers' Union, Local #6**
PERB Case No. 24-A-02 (MFR)

Summary: DCPS filed a Motion for Reconsideration of Opinion No. 1858, in which the Board upheld an Arbitration Award ordering DCPS to reimburse a reinstated teacher for early retirement fund withdrawal fees. DCPS argues that the Board should set aside the Award because there was no evidentiary basis for the Arbitrator to conclude that the Grievant incurred early retirement fund withdrawal fees. Alternatively, DCPS requests that the Board remand that issue to the Arbitrator for an evidentiary hearing. WTU argues that no remand is needed, as the Arbitrator retained jurisdiction over the implementation of the Award for the purpose of resolving potential disputes concerning the relief awarded therein. This matter is now before the Board.

C. **Metropolitan Police Dept. v. Fraternal Order of Police/Metropolitan Police Department Labor Committee**
PERB Case No. 21-A-06(R)

Summary: This Arbitration Review Request comes before the Board pursuant to a D.C. Court of Appeals remand of Board Opinion No. 1783 in accordance with the Comprehensive Policing and Justice Reform Amendment Act of 2022, which retroactively repealed the statute on which the Arbitrator based his decision. This matter is now before the Board.

It was moved and seconded to close the meeting in accordance with D.C. Official Code § 2-575(b)(13). The motion passed unanimously.

Following deliberations, the closed meeting session was reopened. The Board voted as follows:

A. **Yonah Bromberg Gaber, et al. v. American Federation of State, County and Municipal Employees, Local 1808**
PERB Case No. 23-S-03

Motion: It was moved and seconded that the Board decline to adopt the Report on Remand and dismiss the Complaint in its entirety.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		

B. **District of Columbia Public Schools v. Washington Teachers' Union, Local #6**
PERB Case No. 24-A-02 (MFR)

Motion: It was moved and seconded that the Board grant the Motion for Reconsideration insofar as it requests that the Board remand the issue of early retirement fund withdrawal fees to the Arbitrator for an evidentiary hearing, and I move that the Board deny the remainder of the Motion for Reconsideration.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		

C. **Metropolitan Police Dept. v. Fraternal Order of Police/Metropolitan Police Department Labor Committee**
PERB Case No. 21-A-06(R)

Motion: It was moved and seconded that the Board grant the Arbitration Review Request and remand the Award back to the Arbitrator for further proceedings consistent with the judgment of the Court of Appeals.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		

Old Business: None

The meeting was adjourned at 12:06 p.m.

The next meeting will be held on May 16, 2024.

DRAFT MINUTES

PERB held its regular monthly meeting on Thursday, May 16, 2024, at 11:00 a.m. via Webex Meeting Conference. Board Chairperson Douglas Warshof, presiding; Board Member Renee Bowser, Mary Anne Gibbons and Board Member Peter Winkler were present.

Staff Attendance: Acting Executive Director Royale Simms, Attorney Advisor Elizabeth Slover, Attorney Advisor Rita Solomon, Attorney Advisor Isaac Katz, Administrative Officer Crystal Davis, Program Analyst Dawan Jones, and Senior Staff Assistant Gertie Elam.

The Board adopted the April 18, 2024, meeting minutes.

Board Members, Renee Bowser and Mary Anne Gibbons were sworn in by Vida Rangel of MOTA.

There were 5 visitors from the public attending the meeting. They were as follows:

Darlene Bryant – D.C. Department of Corrections, Julia Broadus – D.C. Department of Corrections, Tasheanna Harris – D.C. Department of Corrections, Verro Love – D.C. Department of Corrections, and Arthur Slade – Vice President of ASCME, Local 2743.

The Acting Executive Director reported the following:

1. PERB's Annual Budget Hearing with the Committee on Executive Administration and Labor was held on Friday, April 26, 2024.
2. March Case Management Report – 7 cases closed, for a total of 40 cases closed for the fiscal year, and 11 cases filed. There are currently 44 open cases.
3. The second Tuesdays at PERB training was held on April 9, 2024, with the topic: "Weingarten Rights" and was facilitated by Mr. John Higgins.

DOCKET:

Acting Executive Director Royale Simms summarized the following matters on the docket for Board consideration:

A. Darlene Bryant, et al. v. Fraternal Order of Police/Department of Corrections Labor Committee
PERB Case No. 23-S-05

Summary: This Standards of Conduct case comes before the Board following the Board's decision in Opinion No. 1850 that FOP has failed to comply with the CMPA's standards of conduct for labor organizations. The Complainants assert that FOP has not complied. FOP asserts that it has complied with the Board's order and the CMPA. The Hearing Examiner found that FOP has failed to comply with either the Board's previous order or the standards of conduct

and recommended that the Board revoke FOP's certification as an exclusive bargaining representative.

B. **District of Columbia Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department Labor Committee**
PERB Case No. 24-A-05

Summary: MPD seeks review of an arbitration award that ordered the reinstatement of a terminated police officer. MPD requests that the Board reverse the Award on the grounds that the Award is contrary to law and public policy. FOP opposes MPD's Request

C. **District of Columbia Metropolitan Police Department. v. Fraternal Order of Police/Metropolitan Police Department Labor Committee**
PERB Case No. 24-A-08

Summary: MPD seeks review of an arbitration award that ordered the reinstatement of a terminated officer with backpay and opposes a five-day suspension in-lieu of termination. MPD requests that the Board reverse the Award on the grounds that the Arbitrator exceeded his authority, and the Award is contrary to law and public policy. FOP opposes MPD's Request.

It was moved and seconded to close the meeting in accordance with D.C. Official Code § 2-575(b)(13). The motion passed unanimously.

Following deliberations, the meeting was reopened to the public. The Board voted as follows:

A. **Darlene Bryant, et al. v. Fraternal Order of Police/Metropolitan Police Department Labor Committee**
PERB Case No. 23-S-05

Motion: It was moved and seconded that the Board revoke Fraternal Order of Police/Metropolitan Police Labor Committee's certification as an exclusive Bargaining representative effective immediately and that a copy of the decision be sent to the National Union so they are aware of the decision and can take any action that is appropriate or authorized by their constitution.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		

B. **District of Columbia Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department Labor Committee**
PERB Case No. 24-A-05

Motion: It was moved and seconded that the Board remand the Arbitration Review Request back to the Arbitrator for a finding on remedy in light of the grievant' s subsequent federal conviction.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		

C. **District of Columbia Metropolitan Police Dept. v. Fraternal Order of Police/Metropolitan Police Department Labor Committee**
PERB Case No. 24-A-08

Motion: It was moved and seconded that the Board deny the Arbitration Review Request.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		

Old Business: None

The meeting was adjourned at 12:36 p.m.

The next meeting will be held on June 20, 2024.

DRAFT MINUTES

PERB held its regular monthly meeting on Thursday, June 26, 2024, at 10:30 a.m. via Webex Meeting Conference. Board Chairperson Douglas Warshof, presiding; Board Member Renee Bowser, Mary Anne Gibbons and Board Member Peter Winkler were present.

Staff Attendance: Acting Executive Director Royale Simms, Attorney Advisor Elizabeth Slover, Attorney Advisor Rita Solomon, Attorney Advisor Isaac Katz, Program Analyst Dawan Jones, and Senior Staff Assistant Gertie Elam.

The Board adopted the May 16, 2024, meeting minutes.

Authur Slade- Vice President of AFSCME Local 2743 made comments during to the Board the public forum segment of the agenda.

The Acting Executive Director reported the following:

1. Attended National Association of Government Employees Training.
2. May Case Management Report – 9 cases were opened this month, 6 cases closed, for a total of 68 cases closed for the fiscal year, and 3 cases settled through mediation and 2 mediations conferences were held. There are currently 49 open cases.
3. The second Tuesdays at PERB training was held on May 14, 2024, with the topic: "Arbitration" and was facilitated by Mr. John Higgins.

DOCKET:

Acting Executive Director Royale Simms summarized the following matters on the docket for Board consideration:

A. District of Columbia Public Schools v. Washington Teachers' Union Local #6, American Federation of Teachers, AFL-CIO
PERB Case No. 24-A-04

Summary: DCPS filed this arbitration review request, seeking review of an arbitration award that reinstated a terminated schoolteacher with backpay, including tax gross-up relief. DCPS challenges the Award's tax gross-up relief on the basis that it is contrary to law.

B. Samantha Brown v. District of Columbia Public Schools
PERB Case No. 22-U-16

Summary: This unfair labor practice case comes before the Board following the Board's order remanding the case to the Hearing Examiner for clarification on his credibility determinations and further analysis of *Wright Line*. The Hearing Examiner reiterated his credibility determinations and findings that DCPS did not engage in any actions prohibited by D.C. Official Code § 1-617.04. The Complainant excepted to several of the Hearing Examiner's findings. DCPS opposed the Complainant's Exceptions.

C. **Association of Federal State, Local, and Municipal Employees v. District of Columbia Department of Insurance, Securities, and Banking**
PERB Case No. 23-U-06

Summary: DISB filed a Motion for Reconsideration of Opinion No. 1864, in which the Board found that DISB committed an unfair labor practice by refusing to recommend an employee for a performance allowance in retaliation for his protected union activity. DISB argues that Opinion No. 1864 is contrary to law, that the Hearing Examiner erred in his *Wright Line* analysis and recommended remedy, and that the refusal to recommend an employee for a Performance Allowance cannot be considered an adverse action. AFSCME opposed the Motion.

D. **Yonah Bromberg Gaber v. Association of Federal, State, Local, and Municipal Employees, Local 1808**
PERB Case No. 23-S-03

Summary: The Complainants filed a Motion for Reconsideration of Opinion No. 1870, in which the Board dismissed the Complainants' allegation that AFSCME committed a standards of conduct violation by failing to provide a reasonable opportunity for all its members to vote in an internal union election. In their Motion, the Complainants argue that the Board should reconsider its prior decision because two of the Complainants were unable to vote due to conflicting work schedules, thereby suffering an actual personal injury.

E. **Fraternal Order of Police/Metropolitan Police Department Labor Committee v. Metropolitan Police Department**
PERB Case No. 24-U-10

Summary: FOP filed an unfair labor practice complaint, alleging that MPD violated the CMPA by failing to comply with an arbitration Award that ordered MPD to facilitate payment for the purchase of lateral service from lateral officers with prior law enforcement experience. It is undisputed that the lateral officers in question have not received their purchase price. However, the MPD argues that its diligent and reasonable efforts to facilitate implementation constitute compliance with the Award.

F. **American Federation of Government Employees, AFL-CIO, Local 631 and District of Columbia Department of General Services, Office of Administrative Services**
PERB Case No. 24-RC-01

Summary: AFGE, Local 631 filed a petition for exclusive recognition and no compensation unit determination, seeking to represent a proposed bargaining unit at DGS. There are no intervenors and the parties have submitted a settlement agreement in which DGS agrees not to contest a proposed bargaining unit of 15 DGS positions. However, DGS has rejected voluntary recognition of the unit and has insisted upon an election.

G. **District of Columbia Government and District of Columbia Public Schools Washington Teachers' Union, Local #6**
PERB Case No. 24-U-25

Summary: The Complainants filed an unfair labor practice complaint alleging that WTU violated the confidentiality requirements of D.C. Official Code § 1-617.17(h) by disclosing information regarding the parties' ongoing negotiations to the media and having *ex parte* discussions with at least one D.C. Councilmember regarding the negotiations. The Complainants also requested to file all pleadings in the case under seal and requested to hold the case in abeyance pending the resolution of another ULP complaint and several negotiability appeals. WTU opposed those requests and filed a Motion to Dismiss, arguing, in pertinent part, that the Complainants failed to state a claim for which relief can be granted.

It was moved and seconded to close the meeting in accordance with D.C. Official Code § 2-575(b)(13). The motion passed unanimously.

Following deliberations, the meeting was reopened to the public. The Board voted as follows:

A. **District of Columbia Public Schools v. Washington Teachers' Union Local #6, American Federation of Teachers, AFL-CIO**
PERB Case No. 24-A-04

Motion: It was moved and seconded that the Board deny the Arbitration Review Request.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		

B. **Samantha Brown v. District of Columbia Public Schools**
PERB Case No. 22-U-16

Motion: It was moved and seconded that the Board rejects the Hearing Examiner's findings and recommendations and find that DCPS committed an unfair labor practice in violation of D.C. Official Code § 1-617.04(a)(1) and (4).

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		

C. **Association of Federal State, Local, and Municipal Employees v. District of Columbia Department of Insurance, Securities, and Banking**
PERB Case No. 23-U-06

Motion: It was moved and seconded that the Board deny the Motion for Reconsideration.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		

D. **Yonah Bromberg Gaber v. Association of Federal, State, Local, and Municipal Employees, Local 1808**
PERB Case No. 23-S-03

Motion: It was moved and seconded that the Board delay a decision on this matter pending further work on the proposed draft by the staff.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof			X
Board Member Renee Bowser			X
Board Member Peter Winkler			X
Board Member Mary Anne Gibbons			X

E. **Fraternal Order of Police/Metropolitan Police Department Labor Committee v. Metropolitan Police Department**
PERB Case No. 24-U-10

Motion: It was moved and seconded that the Board finds MPD did not commit an unfair labor practice when it failed to implement an Arbitration Award in violation of D.C. Official Code § 1-617.04(a)(1) and (5) and that the complaint be dismissed.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		

F. **American Federation of Government Employees, AFL-CIO, Local 631 and District of Columbia Department of General Services, Office of Administrative Services**
PERB Case No. 24-RC-01

Motion: It was moved and seconded that the Board find the proposed unit appropriate for collective bargaining over terms and conditions of employment. I further move that an election be held to determine whether a majority of employees in the proposed unit desire to be represented by the American Federation of Government Employees, Local 631.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		

G. **District of Columbia Government and District of Columbia Public Schools Washington Teachers' Union, Local #6**
PERB Case No. 24-U-25

Motion: It was moved and seconded that the Board deny the Motion to seal pleadings, immediately unseal any sealed pleadings in PERB Case No. 24-U-25 and grant the Motion to Dismiss the Complaint in its entirety.

Name	**In Favor**	**Opposed**	**Table**
Chairperson Douglas Warshof	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		

Old Business: None

The meeting was adjourned at 12:20 p.m.

The next meeting will be held on July 18, 2024.

DRAFT MINUTES

PERB held its regular monthly meeting on Thursday, July 18, 2024, at 11:00 a.m. via Webex Meeting Conference. Board Chairperson Douglas Warshof, presiding; Board Member Renee Bowser, Mary Anne Gibbons and Board Member Peter Winkler were present.

Staff Attendance: Acting Executive Director Royale Simms, Attorney Advisor Elizabeth Slover, Attorney Advisor Rita Solomon, Attorney Advisor Isaac Katz, Administrative Officer Crystal Davis, Program Analyst Dawan Jones, and Senior Staff Assistant Gertie Elam.

The Board adopted the June 26, 2024, meeting minutes.

The Acting Executive Director reported the following:

1. The Acting Executive Director attended the 2024 LERA, ILERA, FMCS Triad Conference late in June.
2. March Case Management Report – 4 cases closed, for a total of 50 cases closed for the fiscal year. PERB opened 7 cases for a total of cases opened to 51. PERB held 1 mediation and has 6 mediations pending, and PERB held 1 hearing and 6 hearings are pending.
3. MOTA is actively recruiting to fill the Board vacancy.

DOCKET:

Acting Executive Director Royale Simms summarized the following matters on the docket for Board consideration:

A. Fraternal Order of Police, Metropolitan Police Department Labor Committee v. District of Columbia Metropolitan Police Department
PERB Case No. 24-A-06

Summary: FOP filed this arbitration review request, seeking review of a supplemental arbitration award that upheld the Grievant's termination on remand. FOP challenges the supplemental arbitration award on the grounds that it is contrary to law and public policy.

B. Yonah Bromberg Gabor v. Association of Federal, State, and County Municipal Employees, Local 1808
PERB Case No. 23-S-03 (MFR)

Summary: The Complainants filed a Motion for Reconsideration of Opinion No. 1870, in which the Board dismissed the Complainants' allegation that AFSCME committed a standards of conduct violation by failing to provide a reasonable opportunity for all its members to vote in an internal union election. In their Motion, the Complainants argue that the Board should reconsider its prior decision because two of the Complainants were unable to vote due to conflicting work schedules, thereby suffering an actual personal injury.

It was moved and seconded to close the meeting in accordance with D.C. Official Code § 2-575(b)(13). The motion passed unanimously.

Following deliberations, the meeting was reopened to the public. The Board voted as follows:

A. **Fraternal Order of Police, Metropolitan Police Department Labor Committee v. District of Columbia Metropolitan Police Department**
PERB Case No. 24-A-06

Motion: It was moved and seconded that the Board deny the Arbitration Review Request.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		

B. **Yonah Bromberg Gabor v. Association of Federal, State, and County Municipal Employees, Local 1808**
PERB Case No. 23-S-03 (MFR)

Motion: It was moved and seconded that the Board deny the Motion for Reconsideration.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		

Old Business: None

The meeting was adjourned at 12:36 p.m.

The next meeting will be held on August 15, 2024.

MINUTES

PERB held its regular monthly meeting on Tuesday, August 20, 2024, at 11:00 a.m. via Webex Meeting Conference. Board Chairperson Douglas Warshof, presiding; Board Members Renee Bowser, Mary Anne Gibbons and Peter Winkler were present.

Staff Attendance: Acting Executive Director Royale Simms, Attorney Advisor Elizabeth Slover, Attorney Advisor Rita Solomon, Attorney Advisor Isaac Katz, Administrative Officer Crystal Davis, Program Analyst Dawan Jones, and Senior Staff Assistant Gertie Elam.

The Board adopted the July 18, 2024, meeting minutes.

The Acting Executive Director reported the following:

1. There is a delay due to MOTA requiring additional approvals before candidates can begin the interviewing process for the Board Member vacancy.
2. July Case Management Report – 6 cases closed, for a total of 28 cases closed for the fiscal year 2024.
3. On July 31st, PERB announced open nominations for Hearing Examiners and Mediators. The announcement was made public on PERB's website.
4. The updated PERB move date is September 6, 2024.
5. The Executive Director's position posting will go live on Friday August 23, 2024.

DOCKET:

Acting Executive Director Royale Simms summarized the following matters on the docket for Board consideration:

A. **American Federation of Government Employees, Local 1975 v. Department of Public Works**
PERB Case No. 23-U-11

Summary: AFGE filed an unfair labor practice complaint alleging that DPW violated the CMPA by revoking approval of administrative leave last minute for two union official employees for travel to a conference. DPW filed an answer denying any violation of the CMPA and further asserting affirmative defenses to the complaint. DPW submitted exceptions to the Hearing Examiner's Report and Recommendations. AFGE did not file an opposition to the exceptions.

B. **Fraternal Order of Police/Metropolitan Police Department v. Metropolitan Police Department**
PERB Case No. 24-A-05 (MFR)

Summary: FOP filed this motion for reconsideration of Opinion No. 1873, which found that the Arbitrator in the case had retained jurisdiction on remedy and remanded the case back to the Arbitrator for consideration of remedy in light of the Grievant's subsequent criminal conviction. FOP asks the Board to reconsider its remand Order in Opinion No. 1873.

C. **Office of Administrative Hearings v. Federation of Administrative Law Judges**
PERB Case No. 24-A-07

Summary: OAH filed this arbitration review request, seeking review of an arbitration award that found, in part, that OAH violated its CBA with the Union by not publicizing to bargaining unit members a limit for the number of sabbaticals which would be approved for the year in question, and at a time which would be meaningful, under the terms of the CBA. OAH challenges the Award's finding on the basis that the Arbitrator exceeded his jurisdiction in deciding this issue.

D. **Washington Teachers' Union v. District of Columbia Public Schools**
PERB Case No. 24-N-04

Summary: WTU filed a series of six negotiability appeals, which have since been consolidated under PERB Case No. 24-N-04. In its appeals, WTU asks the Board to find that nineteen proposals which DCPS declared nonnegotiable are negotiable. After the appeals were filed, the parties were able to lower the number of contested proposals to thirteen. Ten of the proposals seek to retain or revise current CBA provisions; one seeks to add a new CBA provision; and two seek to create new memoranda of agreement between the parties. The subjects of WTU's proposals include job duties, teacher evaluations, work year, workday, class size, emergency preparedness, and teacher diversity.

It was moved and seconded to close the meeting in accordance with D.C. Official Code § 2-575(b)(13). The motion passed unanimously.

Following deliberations, the meeting was reopened to the public. The Board voted as follows:

A. **American Federation of Government Employees, Local 1975 v. Department of Public Works**
PERB Case No. 23-U-11

Motion: It was moved and seconded that DPW committed an unfair labor practice in violation of D.C. Official Code § 1-617.04(a)(1).

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		

B. **Fraternal Order of Police/Metropolitan Police Department v. Metropolitan Police Department**
PERB Case No. 24-A-05 (MFR)

Motion: It was moved and seconded that the Board deny FOP's Motion for Reconsideration.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		

C. **Office of Administrative Hearings v. Federation of Administrative Law Judges**
PERB Case No. 24-A-07

Motion: It was moved and seconded that the Board deny the Arbitration Review Request.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		

D. **Washington Teachers' Union v. District of Columbia Public Schools**
PERB Case No. 24-N-04

Motion: The following was moved and seconded by the Board:

1. WTU's proposal to revise Article 1.5.2 is nonnegotiable.
2. WTU's proposal to retain the current versions of Articles 2.10.1.8; 2.11.2.1.8; and 2.12.11 is negotiable.
3. WTU's proposal to retain the current versions of Articles 2.10.1.7; 2.11.2.1.7; and 2.12.10 is nonnegotiable.
4. WTU's proposal to revise Article 15.2 is negotiable.
5. WTU's proposal to retain the current versions of Articles 16.1 and 16.5 is negotiable.
6. WTU's proposal to retain the current versions of Article 16.3 and 16.4 is nonnegotiable.
7. WTU's proposal to revise Articles 23.1.1; 23.1.1.1; 23.1.1.2; 23.1.3; 23.1.4; and 23.1.5 is nonnegotiable.
8. WTU's proposal to revise Article 23.1.2 is negotiable.
9. WTU's proposal to revise Articles 23.2.1.1; 23.2.2; 23.2.3; and 23.2.4 is nonnegotiable.
10. WTU's proposal to revise Article 23.2.1.2 is negotiable.
11. WTU's proposal to revise Article 23.13 is nonnegotiable, as the appeal is untimely.
12. WTU's proposal to retain the current versions of Articles 24.2.8 and 24.2.9 is nonnegotiable.
13. WTU's proposal to retain the current version of Article 24.2.10 is negotiable.
14. WTU's proposal to revise Article 24.5.5 is negotiable.
15. The Board declines to render a decision regarding WTU's proposal to add Article 24.8 to the CBA, as the appeal is premature.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		

Old Business: None

The meeting was adjourned at 11:55 a.m.

The next meeting will be held on October 17, 2024.

DRAFT MINUTES

PERB held its regular monthly meeting on Thursday, October 17, 2024, at 11:00 a.m. via Webex Meeting Conference. Board Chairperson Douglas Warshof, presiding; Board Members Renee Bowser, Mary Anne Gibbons, and Peter Winkler were present.

Staff Attendance: Acting Executive Director Royale Simms, Attorney Advisor Elizabeth Slover, Attorney Advisor Rita Solomon, Attorney Advisor Isaac Katz, Administrative Officer Crystal Davis, and Program Analyst Dawan Jones.

The Board adopted the August 20, 2024, meeting minutes.

The Acting Executive Director reported the following:

1. PERB moved into its new location at 899 N. Capitol Street, NE, on Friday, September 6, 2024, and is planning an Open House for Spring 2025.
2. PERB will transition all virtual meetings to the Microsoft Teams platform, enhancing scheduling and information sharing.
3. The November 2024 Board Packet will include recommendations for technical and substantive changes to board rules.
4. Acting Executive Director Simms has expanded recruitment for hearing examiners and mediators by sending announcements to the Labor Arbitrators Institute, ALRA, and respected arbitrators and mediators.
5. PERB currently has 58 open cases. In FY24, 101 cases were opened, and 69 were closed.
6. In FY24, PERB met all of its annual performance metrics except for one.

DOCKET:

Acting Executive Director Royale Simms summarized the following matters on the docket for Board consideration:

A. AFGE, Local 1403 and Office of the Attorney General
PERB Case No. 24-UM-01

Summary: AFGE, Local 1403, filed this petition for unit modification. The Union requests that the Board amend Certification No. 121 to change the name of the agency on the certification from the Office of Corporation Counsel to the Office of the Attorney General. This matter is now before the Board.

B. District of Columbia Public Schools v. Washington Teachers Union, Local #6
PERB Case No. 24-A-04(MFR)

Summary: DCPS filed this motion for reconsideration of Opinion No. 1875, which found that an arbitration Award's tax gross up remedy was not contrary to law or public policy. DCPS asks the Board to reconsider its remand Order in Opinion No. 1875. This matter is now before the Board.

C. District of Columbia Public Schools v. Washington Teachers' Union, Local 6
PERB Case No. 24-A-12

Summary: DCPS filed an arbitration review request, seeking review of an award which ordered the reinstatement of a Speech-Language Pathologist who resigned to avoid termination. DCPS requests that the Board reverse the Award on the grounds that the Arbitrator exceeded her authority, and the Award is contrary to law and public policy. This matter is now before the Board.

D. Washington Teachers' Union v. District of Columbia Public Schools
PERB Case No. 24-N-11 & 24-N-13

Summary: WTU filed two negotiability appeals, which have since been consolidated under PERB Case No. 24-N-11. WTU asks the Board to find that two proposals which DCPS has declared nonnegotiable are negotiable. One of the proposals seeks to add an article to the CBA, addressing the subject of transferring excessed employees. The other proposal seeks to add an article to the CBA to cover Athletic Trainers, including their staffing ratios, job duties, recruitment, equipment, and emergency communications. This matter is now before the Board.

E. Samantha Brown v. District of Columbia Public Schools
PERB Case No. 22-U-16(MFR)

Summary: DCPS filed this motion for reconsideration of Opinion No. 1877, which found that DCPS retaliated against the Complainant for engaging in protected union activity. DCPS asks the Board to explicitly find that DCPS did not violate D.C. Official Code § 1-617.04(a)(2), provide more detail regarding credibility findings, reverse the findings of violations of D.C. Official Code §§ 1-617.04(a)(1) and (4), and set aside the order granting remedial relief to the Complainant. This matter is now before the Board.

F. American Federation of Government Employees Local 631 v. District of Columbia Department of General Services, Office of Administrative Services
PERB Case No. 24-RC-01

Summary: AFGE Local 631 filed a petition for exclusive recognition and non-compensation unit determination, seeking to represent a proposed unit of DGS employees. A Board-ordered election was held, and all eligible employees voted in favor of union representation. The results of that election have been certified. This matter is now before the Board.

G. Darlene Bryant et. al. v. Fraternal Order of Police/Department of Corrections Labor Committee
PERB Case No. 22-S-05

Summary: This matter is before the Board in accordance with an order for preliminary injunctive relief issued by the District of Columbia Superior Court.

The Board closed the meeting for deliberations pursuant to section 2-575(b)(13) of the D.C. Official Code.

Following deliberations, the meeting was reopened to the public. The Board voted as follows:

A. **AFGE, Local 1403 and Office of the Attorney General**
PERB Case No. 24-UM-01

Motion: It was moved and seconded that the Board grant the petition.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		

B. **District of Columbia Public Schools v. Washington Teachers Union, Local #6**
PERB Case No. 24-A-04(MFR)

Motion: It was moved and seconded that the Board deny the motion for reconsideration.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		

C. **District of Columbia Public Schools v. Washington Teachers' Union, Local 6**
PERB Case No. 24-A-12

Motion: It was moved and seconded that the Board table this matter until a future meeting.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof			X
Board Member Renee Bowser			X
Board Member Peter Winkler			X
Board Member Mary Anne Gibbons			X

D. <u>Washington Teachers' Union v. District of Columbia Public Schools</u>
PERB Case No. 24-N-11 & 24-N-13

Motion: It was moved and seconded that the Board make the following findings:

1. WTU's proposal to WTU's proposal to add Article 4.4.8. is negotiable.
2. WTU's proposal to add Article 24.7.2. is negotiable.
3. WTU's proposal to add Article 24.7.5. is non-negotiable.
4. WTU's proposal to add Article 24.7.6. is non-negotiable.
5. WTU's proposal to add Article 24.7.9.1. is non-negotiable.
6. WTU's proposal to add Article 24.7.9.2. is non-negotiable.
7. WTU's proposal to add Article 24.7.9.3. is non-negotiable.
8. WTU's proposal to add Article 24.7.9.5. is negotiable.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		

E. <u>Samantha Brown v. District of Columbia Public Schools</u>
PERB Case No. 22-U-16

Motion: The following was moved and seconded that the Board deny the motion for reconsideration but revise the remedy to accord with DCPS policy.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		

F. <u>American Federation of Government Employees Local 631 v. District of Columbia Department of General Services, Office of Administrative Services</u>
PERB Case No. 24-RC-01

Motion: The following was moved and seconded that the Board certify the American Federation of Government Employees Local 631 as the exclusive representative of the described unit of employees at the District of Columbia Department of General Services,

Office of Administrative Services, for the purpose of collective bargaining over terms and conditions of employment.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		

G. Darlene Bryant et al. v. Fraternal Order of Police/ Department of Corrections Labor Committee
PERB Case No. 22-S-05

Motion: The following was moved and seconded that the Board suspends enforcement of Opinion No. 1871 and grants status quo recognition under Certification No. 73 to the Fraternal Order of Police/Department of Corrections Labor Committee consistent with the order of the Superior Court.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		

Old Business: None

The meeting was adjourned at 12:07 p.m.

The next meeting will be held on November 21, 2024.

DRAFT MINUTES

PERB held its regular monthly meeting on Thursday, November 21, at 11:00 a.m. via Webex Meeting Conference. Board Chairperson Douglas Warshof, presiding; Board Members Renee Bowser, Mary Anne Gibbons, and Peter Winkler were present.

Staff Attendance: Acting Executive Director Royale Simms, Attorney Advisor Elizabeth Slover, Attorney Advisor Rita Solomon, Attorney Advisor Isaac Katz, Administrative Officer Crystal Davis, Program Analyst Dawan Jones, and Senior Staff Assistant Gertie Elam.

The Board adopted the October 17, 2024, meeting minutes.

The Acting Executive Director reported the following:

1. Acting Executive Director Simms has submitted postings to the local colleges and universities through their Career Centers for the Mediator and Hearing Examiner positions.
2. In October PERB opened 2 cases and closed 6. October ended with 54 open cases. There were 5 mediations held, and 1 settlement.
3. Acting Executive Director Simms will contact BEGA and provide the Board with resources for ethics training.

DOCKET:

Acting Executive Director Simms summarized the following matters on the docket for Board consideration:

A. District of Columbia Public Schools v. Washington Teachers' Union, Local 6
PERB Case No. 24-A-12

Summary: DCPS filed an arbitration review request, seeking review of an award which ordered the reinstatement of a Speech-Language Pathologist who resigned to avoid termination. DCPS requests that the Board reverse the Award on the grounds that the Arbitrator exceeded her authority, and the Award is contrary to law and public policy.

B. District of Columbia Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department Labor Committee
PERB Case No. 24-A-09

Summary: MPD filed an arbitration review request seeking review of a clarification of an arbitration award that ordered MPD to split payment of FOP's attorney fees with FOP. MPD requests that the Board set aside the clarification on the grounds that the arbitrator exceeded his authority by issuing the clarification in violation of the *functus officio* doctrine.

C. Notice of Proposed Rulemaking

D. Consideration for Neutrals Nominated for Arbitrator, Mediator and Hearing Examiner Rosters

The Board closed the meeting for deliberations pursuant to section 2-575(b)(13) of the D.C. Official Code.

Following deliberations, the meeting was reopened to the public. The Board voted as follows:

A. <u>District of Columbia Public Schools v. Washington Teachers' Union, Local #6</u>
PERB Case No. 24-A-12

Motion: It was moved and seconded that the Board table this matter pending further review.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof			X
Board Member Renee Bowser			X
Board Member Peter Winkler			X
Board Member Mary Anne Gibbons			X

B. <u>District of Columbia Public Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department Labor Committee</u>
PERB Case No. 24-A-09

Motion: It was moved and seconded that the Board grant the Arbitration Review Request and set aside the clarification of the Arbitration Award.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		

C. Notice of Proposed Rulemaking

Motion: It was moved and seconded that Proposed Rule be published to update the address of the Board.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Renee Bowser	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		

D. Consideration for Neutrals Nominated for Arbitrator, Mediator and Hearing Examiner Rosters

Motion: It was moved and seconded that the Board delay a decision until the December Board Meeting on the proposed Neutrals nominated for Arbitrator, Mediator and Hearing Examiner Rosters.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof			X
Board Member Renee Bowser			X
Board Member Peter Winkler			X
Board Member Mary Anne Gibbons			X

Old Business: None

The meeting was adjourned at 12:08 p.m.

The next meeting will be held on December 19, 2024.

DRAFT MINUTES

PERB held its regular monthly meeting on Thursday, December 19, 2024, at 11:00 a.m. via Webex Meeting Conference. Board Chairperson Douglas Warshof, presiding; Board Member Mary Anne Gibbons, and Board Member Peter Winkler were present.

Staff Attendance: Executive Director Royale Simms, Attorney Advisor Elizabeth Slover, Attorney Advisor Rita Solomon, Attorney Advisor Isaac Katz, Administrative Officer Crystal Davis, and Program Analyst Dawan Jones.

The Board adopted the November 21st, meeting minutes.

The Executive Director reported the following:

1. On December 12, 2024, Executive Director Royale Simms participated in the Public Committee Labor Relations Roundtable, hosted by the Committee on Executive Administration and Labor, and provided a report on PERB's functions.
2. PERB reinstated email addresses for its board members to improve communication and provide the public with an appropriate channel to engage with the Board.
3. The November Case Management Report noted one case closed, four cases opened, and five mediations conducted.
4. "Second Tuesdays at PERB" was held on December 10, 2024, the topic discussed was "Elections."

DOCKET:

Executive Director Royale Simms summarized the following matters on the docket for Board consideration:

A. District of Columbia Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department Labor Committee
PERB Case No. 24-A-11

Summary: MPD filed an arbitration review request, seeking review of an award that reinstated a terminated police officer. MPD seeks review on the basis that the Arbitrator exceed his jurisdiction, and the Award is contrary to public policy. This matter is now before the Board.

B. District of Columbia Public Schools v. Washington Teachers' Union, Local #6
PERB Case No. 24-A-12

Summary: DCPS filed an arbitration review request, seeking review of an award which ordered the reinstatement of a Speech-Language Pathologist who resigned to avoid termination. DCPS requests that the Board reverse the Award on the grounds that the Arbitrator exceeded her authority, and the Award is contrary to law and public policy. This matter is now before the Board.

C. **District of Columbia Fire and EMS v. International Association of Fire Fighters, Local #36**
PERB Case No. 24-A-16

Summary: FEMS filed an arbitration review request, seeking review of an award that ordered the removal of a civilian Single-Role Provider from the EMS Lieutenant position in compliance with a 2020 Memorandum of Agreement. FEMS challenges the Award on the bases that the Arbitrator exceeded her jurisdiction, and the Award is contrary to law and public policy. This matter is now before the Board.

D. **American Federation of Government Employees, Local #631 v. District of Columbia Department of General Services, Office of Administrative Services**
PERB Case No. 24-CU-01

Summary: AFGE, Local 631 filed a Petition for Compensation Unit Determination, requesting that the Board determine the appropriate compensation unit for a bargaining unit at DGS. DGS opposes the Petition. This matter is now before the Board.

E. **Washington Teachers' Union v. District of Columbia Public Schools**
PERB Case No. 24-N-04

Summary: WTU filed a Motion for Reconsideration of the Board's previous determination that WTU's proposals concerning job duties, work year, and work day were nonnegotiable. DCPS opposes the Motion. This matter is now before the Board.

F. **American Federation of State, County and Municipal Employees, Local 2743 v. District of Columbia Department of Buildings**
PERB Case Nos. 24-U-05, 24-U-06 and 24-U-08

Summary: AFSCME filed three complaints alleging that the DOB failed to sufficiently respond to information requests regarding the discipline of two employees and other disciplinary actions taken by those employees' supervisor. DOB asserts that it responded to the information requests to the fullest extent possible. This matter is now before the Board.

G. **List of Neutrals**

It was moved and seconded to close the meeting in accordance with D.C. Official Code § 2-575(b)(13). The motion passed unanimously.

Following deliberations, the meeting was reopened to the public. The Board voted as follows:

A. **District of Columbia Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department Labor Committee**
PERB Case No. 24-A-11

Motion: It was moved and seconded that the Board remand the Award back to the Arbitrator for clarification of the arbitrator's reasoning in support of the Award.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		

B. **District of Columbia Public Schools v. Washington Teachers' Union, Local 6**
PERB Case No. 24-A-12

Motion: It was moved and seconded that the Board deny the arbitration review request and grant WTU an award of reasonable costs.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		

C. **District of Columbia Fire and EMS v. International Association of Fire Fighters, Local #36**
PERB Case No. 24-A-16

Motion: It was moved and seconded that the Board deny the Request.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		

D. **American Federation of Government Employees, Local 631 v. District of Columbia Department of General Services, Office of Administrative Services**
PERB Case No. 24-CU-01

Motion: It was moved and seconded that the Board grant the Petition for Compensation Unit Determination and place the bargaining unit into Compensation Units 1 and 2.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		

E. **Washington Teachers' Union v. District of Columbia Public Schools**
PERB Case No. 24-N-04

Motion: It was moved and seconded that the Board deny the Motion for Reconsideration.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		

F. **American Federation of State, County and Municipal Employees, Local 2743 v. District of Columbia Department of Buildings**
PERB Case Nos. 24-U-05, 24-U-06 & 24-U-08

Motion: It was moved and seconded that the Board dismiss the Complaints.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		

G. List of Neutrals

Motion: It was moved and seconded that the Board approve the following nominees for PERBs List of Neutrals:

- Heidi Parker as Arbitrator, Mediator and Hearing Examiner
- John Coverdale as an Arbitrator and Mediator
- Lee Hornberger as an Arbitrator
- Lisa Timmons as an Arbitrator and Mediator
- Carol Wilson as an Arbitrator, Hearing Examiner and Mediator

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		

Old Business: None

The meeting was adjourned at 12:18 p.m.

The next meeting will be held on January 16, 2025.

DRAFT MINUTES

PERB held its regular monthly meeting on Thursday, January 16, 2025, at 11:00 a.m. via Webex Meeting Conference. Board Chairperson Douglas Warshof, presiding; Board Members Mary Anne Gibbons, Renee Bowser, and Peter Winkler were present.

Staff Attendance: Executive Director Royale Simms, Attorney Advisor Elizabeth Slover, Attorney Advisor Isaac Katz, Administrative Officer Crystal Davis, Program Analyst Dawan Jones, and Senior Staff Assistant Gertie Elam.

The Board adopted the December 19th, meeting minutes.

The Executive Director reported the following:

1. The DC Council Performance Hearing will be held in early February. PERB is awaiting the questionnaire.
2. The Board of Ethics and Accountability (BEGA) will be launching its financial disclosure season this month, registration for training is now open which will be held on January 29th. Lisa Slover has been appointed Agency Ethics Counselor.
3. The December Case Management Report noted twelve cases closed, of which 2 were administrative dismissals, five cases opened, three settlements finalized and seven decisions and orders.
4. "Second Tuesdays at PERB" was held on January 14, 2024, the topic discussed was "Duty to Bargain."

DOCKET:

Executive Director Royale Simms summarized the following matters on the docket for Board consideration:

A. American Federation of Government Employees, Local 1403 and Office of Labor Relations and Collective Bargaining, Department of Disability Services, Department of Behavioral Health, District of Columbia Public Schools, Child and Family Services Agency, and Alcohol, Beverage and Cannabis Association
PERB Case No. 24-UM-02

Summary: AFGE, Local 1403 filed this petition for unit modification. The Union requests that the Board amend Certification No. 133 to explicitly include attorneys in five agencies with independent personnel authority by removing the reference to the mayor's personnel authority and explicitly adding the Alcoholic Beverage and Cannabis Administration.

B. American Federation of Government Employees, District 14 and District of Columbia Department of Corrections and Fraternal Order of Police/Department of Corrections Labor Committee
PERB Case No. 24-RC-03

Summary: The American Federation of Government Employees, District 14 filed a petition for exclusive recognition and no compensation unit determination, seeking to represent a unit at the District of Columbia Department of Corrections. The Fraternal Order of Police/Department of Corrections Labor Committee intervened as the incumbent representative of employees in the proposed unit.

C. Fraternal Order of Police/Metropolitan Police Department Labor Committee, District of Columbia Police Union v. District of Columbia Government Metropolitan Police Department
PERB Case No. 24-N-03 and 24-N-10

Summary: FOP filed two negotiability appeals, which have since been consolidated under PERB Case No. 24-N-03. FOP asks the Board to find negotiable three proposals that were declared nonnegotiable by MPD.

D. Local 36, International Association of Fire Fighters, American Federation of Labor and Congress of Industrial Organizations v. District of Columbia Department of Fire and Emergency Medical Services
PERB Case No. 24-N-14

Summary: IAFF, Local 36 filed the instant negotiability appeal, asking the Board to find negotiable a proposal creating a third-party impasse resolution procedure for impacts and effects bargaining. FEMS has declared the proposal nonnegotiable.

E. American Federation of Government Employees, Local 2725 v. District of Columbia Department of Health
PERB Case No. 24-U-41

Summary: The American Federation of Government Employees, Local 2725 filed a complaint, alleging that the District of Columbia Department of Health committed an unfair labor practice by refusing to arbitrate grievances concerning assignment of work outside position descriptions. The matter was administratively dismissed on the basis that resolution of the dispute would require the Board to act outside its jurisdiction by interpreting the parties' collective bargaining agreement. AFGE submitted a motion for reconsideration, asserting that the Board has jurisdiction over this case and requesting that the administrative dismissal be overturned.

F. American Federation of State, County and Municipal Employees, Local 2743 v. District of Columbia Department of Insurance, Securities, and Banking
PERB Case Nos. 24-U-12 and 24-U-15

Summary: The American Federation of State, County and Municipal Employees, Local 2743, filed two complaints alleging that the District of Columbia Department of Insurance, Securities and Banking violated an employee's right to union representation under *Weingarten* and retaliated against him for protected union activity. DISB argued that *Weingarten* did not apply to the circumstances of the complaints and that it had a legitimate business reason for the policy that led to disciplinary action against the employee.

G. <u>American Federation of State, County and Municipal Employees, Local 2743 v. District of Columbia Department of Insurance, Securities and Banking</u>
PERB Case No. 24-E-02

Summary: The American Federation of State, County and Municipal Employees, Local 2743, filed a petition for enforcement alleging that the District of Columbia Department of Insurance, Securities and Banking has failed to comply with the Board's order in Opinion 1864. DISB had filed a motion for reconsideration, which was denied in Opinion 1876. DISB did not seek review with the D.C. Superior Court. DISB opposed the Petition, asserting that it is statutorily prohibited from complying with the Board's order in Opinion 1864.

H. <u>Discussion on Draft Rules</u>

Summary: The Board will continue to deliberate on changes to agency rules.

It was moved and seconded to close the meeting in accordance with D.C. Official Code § 2-575(b)(13). The motion passed unanimously.

Following deliberations, the meeting was reopened to the public. The Board voted as follows:

A. <u>American Federation of Government Employees, Local 1403 and Office of Labor Relations and Collective Bargaining, Department of Disability Services, Department of Behavioral Health, District of Columbia Public Schools, Child and Family Services Agency, and Alcohol, Beverage and Cannabis Association</u>
PERB Case No. 24-UM-02

Motion: It was moved and seconded that the Board grant the Petition.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		
Board Member Renee Bowser	X		

B. **American Federation of Government Employees, District 14 and District of Columbia Department of Corrections and Fraternal Order of Police/Department of Corrections Labor Committee**
PERB Case No. 24-RC-03

Motion: It was moved and seconded that the Board find the proposed unit appropriate for collective bargaining over terms and conditions of employment. I further move that an election be held to determine whether a majority of employees in the proposed unit desire to be represented by the American Federation of Government Employees, District 14, the Fraternal Order of Police/Department of Correction Labor Committee, or no union.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		
Board Member Renee Bowser	X		

C. **Fraternal Order of Police/Metropolitan Police Department Labor Committee, District of Columbia Police Union v. District of Columbia Government Metropolitan Police Department**
PERB Case No. 24-N-03 and 24-N-10

Motion: It was moved and seconded that the Board make the following findings:

1. FOP's proposal to add Article 12 is nonnegotiable.
2. FOP's proposal to add Article 19, Section (E)(1) is nonnegotiable.
3. FOP's proposal to add Article 19, Section (E)(2) is nonnegotiable.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		
Board Member Renee Bowser	X		

D. **Local 36, International Association of Fire Fighters, American Federation of Labor and Congress of Industrial Organizations v. District of Columbia Department of Fire and Emergency Medical Services**
PERB Case No. 24-N-14

Motion: It was moved and seconded that the Board table this for further consideration.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		
Board Member Renee Bowser	X		

E. **American Federation of Government Employees, Local 2725 v. District of Columbia Department of Health**
PERB Case No. 24-U-41

Motion: It was moved and seconded that the Board grant the Motion for Reconsideration and order the District of Columbia Department of Health to (1) cease and desist from violating D.C. Official Code § 1-617.04(a)(1) and (5) of the CMPA; (2) arbitrate the grievances which the American Federation of Government Employees, Local 2725 filed concerning assignment of work outside position descriptions; and (3) post an appropriate notice to employees.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		
Board Member Renee Bowser	X		

F. **American Federation of State, County and Municipal Employees, Local 2743 v. District of Columbia Department of Insurance, Securities and Banking**
PERB Case Nos. 24-U-12 and 24-U-15

Motion: It was moved and seconded that the Board remand back to the Hearing Examiner for further consideration under the burden shifting framework of the right Wright Line test?

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		
Board Member Renee Bowser	X		

G. **American Federation of State, County and Municipal Employees, Local 2743 v. District of Columbia Department of Insurance, Securities and Banking**
PERB Case No. 24-E-02

Motion: It was moved and seconded that the Board grant AFSCME's Petition for Enforcement and seek attorney fees.

Name	In Favor	Opposed	Table
Chairperson Douglas Warshof	X		
Board Member Peter Winkler	X		
Board Member Mary Anne Gibbons	X		
Board Member Renee Bowser	X		

Old Business: None

The meeting was adjourned at 12:45 p.m.

The next meeting will be held on February 20, 2025.