

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Labor Relations and Collective Bargaining**



**Responses to Fiscal Year 2019–2020
Performance Oversight Questions**

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Director**

Submission to

**Committee on Labor and Workforce Development
Council of the District of Columbia
The Honorable Elissa Silverman, Chairperson**

January 31, 2020

**John A. Wilson Building
1350 Pennsylvania Avenue NW
Washington, DC 20004**

OFFICE OF LABOR RELATIONS AND COLLECTIVE BARGAINING
FY2019 - FY2020 Performance Oversight Questions
Committee on Labor and Workforce Development
Councilmember Elissa Silverman (At-Large), Chair

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I. Agency Priorities, Performance, and Evaluation

1. Please discuss OLRCB's **top five priorities**.
 - a. How did the agency address its top five priorities in FY2019?
 - b. What are the agency's top five priorities in FY2020? Please explain how the agency expects to address these priorities in FY2020.

Response: OLRCB's top priority for FY19 was the continuous reduction of litigation costs. As the protection of public funds remains important, the reduction of litigation costs will remain a top priority for FY20. OLRCB achieved reductions in costs by prevailing in or successfully mediating cases. OLRCB will continue to work with the employing agencies and the Office of the City Administrator (OCA) to determine the wisest course of action (i.e., mediate, settle, or proceed to hearing) that best serves the public interest and taxpayer funds.

OLRCB's second priority for FY19 was the integration of raw data into our new data management system, Time Matters. OLRCB completed a purge of hard copies and digitized copies of certifications and new and closed cases into Time Matters. For FY20, OLRCB is working closely with the Office of Risk Management (ORM) to replace our current case management system with E-Risk, a more robust, efficient and integrated case management system.

OLRCB's third priority for FY19 was the development of a training curriculum based upon litigation case data. OLRCB held quarterly labor liaison forums in FY19 and conducted a case study based upon litigation case data for District Government management officials and labor law practitioners. A total of 381 employees were trained in FY19, which included briefings on the Mayor's Order on Medical Marijuana.

OLRCB's fourth priority for FY19 was the promotion of employee growth. OLRCB achieved this priority by encouraging all its attorney employees to attend trainings related to legal writing and labor and employment law. Moreover, OLRCB worked with its non-supervisory attorney employees to give each an opportunity to serve as a management representative in conducting impact and effects bargaining. OLRCB also provided these employees opportunities to participate in the management's bargaining team and eventually serve as lead negotiator for a compensation collective bargaining agreement (CBA) and a working conditions CBA, to the extent possible. This allowed the employees to gain hands-on negotiation skills and litigation skills through filing pleadings with the Public Employee Relations Board (PERB). OLRCB will maintain the promotion of employee growth as a top priority for FY20. OLRCB will address this priority by encouraging employees to attend more relevant training, conducting its own training on litigation and bargaining, and having more employees serve as the lead negotiator for management teams in collective bargaining on working conditions agreements.

OLRCB's fifth priority for FY19 was to strengthen relations with labor leaders. The OLRCB Director maintains an open-door policy for any labor president who wishes to discuss the status of bargaining, any matter covered by a CBA, or the labor-management

relations section of the Comprehensive Merit Personnel Act. These relationships have led to the resolution or withdrawal of unfair labor practice complaints and, in coordination with achieving OLRCB's other top priorities, has led to more successful mediations of cases with labor unions.

2. Please list each **program** or body of work operated or administered by OLRCB during FY2019 and FY2020. Highlight any programs new in FY2019 or FY2020. For each program, please provide a description of the program, the office that carries out the program, activities in FY2019 and FY2020, and any documented results of the program.

Response: OLRCB consists of three major program units: (1) the Negotiations and Contract Administration Unit, (2) the Litigation Unit, (3) the Administrative and Program Support Unit.

The Negotiations and Contract Unit is responsible for negotiating CBAs; the process by which wages, benefits, and other terms and conditions of employment for unionized employees is established; training management representatives on the provisions of each CBA applicable to their agency; and conducting "impact and effects" bargaining necessitated by new policies, programs and initiatives, or changes to existing policies and programs prior to decision making and implementation.

The Litigation Unit is focused on initiating, prosecuting, defending, and monitoring a wide range of litigation activity; primarily for and on behalf of agencies under the personnel authority of the Mayor. This litigation activity consists primarily of grievance arbitrations, unfair labor practice complaints, enforcement actions, and arbitration review requests before PERB.

The Administrative and Program Support Unit is responsible for program support to the other units. The unit also provides human resources, contracting and procurement, and other related customer and operational services for OLRCB personnel and the office, including Citywide Initiatives such as the Negotiated Employee Assistance Home Purchase Program (NEAHP) and the Commuter Benefit Program.

3. Please describe any **initiatives** that the OLRCB implemented in FY2019 or FY2020, 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.

Response: During FY19, OLRCB continued to work closely with the Innovation Taskforce, a six-member taskforce that assesses the best use of District funds for legal research resources to be utilized by OLRCB. Recommendations from the Taskforce are currently being implemented with our ongoing data integration to Time Matters and eventual transition to E-Risk. OLRCB also continues to work closely with its labor partners to streamline the manual dues enrollment process. In FY19, to date, OLRCB has processed a record number of dues forms, more than 4,894, in a timely manner.

4. Please provide a copy of OLRCB's FY2019 **performance accountability report**.

- a. Please explain which performance plan strategic objectives and key performance indicators (KPIs) were met or completed in FY2019 and which were not.
- 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.
- c. For any objective not met or completed, please provide an explanation.

Response: OLRCB's FY19 Performance Accountability Report is included the CA's overall report. Please see attachment marked Q4.FY19 PAR.

5. Regarding the OLRCB's FY2020 **performance plan:**
 - a. Please provide a copy of OLRCB's FY2020 performance plan as submitted to the Office of the City Administrator.
 - b. Discuss any changes to any outcomes measurements in FY2020, 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.

Response: Please see Attachment marked Q5. FY20 OLCB Performance Plan."

6. For all **studies, research papers, reports, evaluations, and analyses**, including those provided by contractors or consultants, that OLRCB prepared or contracted for during FY2019 and FY2020, as of Jan. 1, 2020:
 - 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.

Response: There are no ongoing studies, research papers, reports evaluations and analyses prepared or contracted by OLRCB during FY19 and FY20.

7. 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 FY2019 and FY2020, as of Jan. 1, 2020, 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.

Response: During FY19 and FY20, to date, there were no ongoing investigations or audits of or reports involving OLRCB or any OLRCB employee.

8. Please list all **recommendations identified by the Office of the Inspector General, DC Auditor, or other federal or local oversight entities** during FY2018, FY2019, or FY2020, as of Jan. 1, 2020 about OLRCB or DC government personnel 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. **None.**

Response: There were no recommendations identified by the Office of the Inspector General, D.C. Auditor, or other federal or local oversight entity about OLRCB during FY18, FY19, or FY20, to date.

9. Please attach a copy the agency's **FOIA disclosure report(s)** for FY2019.

Response: Please attachment marked "Q9. OLRCB FY19 FOIA Disclosure Report."

10. Please attach a **log of all FOIA requests** received in FY2019 and FY2020 with the request number, the name of the requestor, the request date, and a brief description of the information requested.

Response: Below are the received and fulfilled FOIA requests by OLRCB.

1. **Request No.** 2019-FOIA-06226

Requestor: Charles Loelius

Request Date: 2019-07-16

Request: [A]ll Collective Bargaining Agreements, Workplace Condition Agreements, Memoranda of Understanding, and other agreements between AFSCME Local 20 and the DC government. (Date Range for Record Search: From 11/30/2015 to 07/08/2019).

Fulfilled: 2019-08-05

2. **Request No.** 2020-FOIA-00516

Requestor: LeAnn Funk, Federal Employees Benefit Association

Request Date: 2019-10-21

Request: [A] current list of all Office of Labor Relations and Collective Bargaining employees, in electronic format, sent via email address to lfunk@fedemplben.org, and include the following fields in a "Comma separated format" (CSV) or Excel format:

Employee Full Name

Agency Name and Location

Employee Work Email Address

Job Title

Salary

Fulfilled: 2019-11-26

II. Budget and Expenditures

Budget

11. **Budget.** Please *complete the attached table* in Excel 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 FY2019 and the first quarter of FY2020. 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 FY2019 for each program and activity code.

Response: Please see Tab Q11 (Budget) in attachment marked "Q11. Budget and Expenditures."

12. Please provide a copy of the detailed FY2020 NPS **spending plan** for each activity and fund in OLRCB's budget.

Response: Please see attachment marked "Q12. OLRCB NPS Spend Plan."

13. Please provide the following information for all **intra-District memoranda of understanding (MOUs)** for FY2019 and FY2020 as of Jan. 1, 2020, *including anticipated MOUs* for the remainder of FY2020.

- a. *Attach copies* of all intra-district MOUs.

Response: Please see Tab Q13 (MOUs) in attachment marked "Q11. Budget and Expenditures."

- b. Please *complete the attached table* in Excel for all MOUs, including anticipated MOUs.

Response: Please see Tab Q13 (MOUs) in attachment marked "Q11. Budget and Expenditures."

14. Please provide the following information for all **intra-District memoranda of agreement (MOAs)** for FY2019 and FY2020 as of Jan. 1, 2020, including anticipated MOAs for the remainder of FY2020.

- a. *Attach copies* of all intra-district MOAs, other than those for overhead or logistical services, such as routine IT services or security.
- b. For each MOA, including anticipated MOAs, complete the table below; add rows as necessary.

Response: OLRCB had no intra-District MOAs for FY19 or FY20, to date.

15. Please *complete the attached table* for each **interagency reprogramming** of funds into and out of the agency for FY2019 and FY2020, as of Jan. 1, 2020, including anticipated inter-agency reprogrammings for the remainder of FY2020.
- 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, complete the attached chart in Excel

Response: Please see Tab Q15 (“Interagency Reprogramming) in attachment marked “Q11. Budget and Expenditures.”

16. Please *complete the attached table* for each **intra-agency reprogramming** *within* your agency during FY2019 and FY2020, as of Jan. 1, 2020, as well as any anticipated intra-agency reprogrammings for the remainder of FY2020.
- Please *attach copies* of any reprogramming documents.
 - Please include in the chart a detailed rationale for the reprogramming: why the funds were available and what they will be used for.

Response: Please see Tab Q16 (IN-agency Reprogramming) in attachment marked “Q11. Budget and Expenditures.”

17. 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 FY2018, FY2019, and FY2020.

Response: OLRCB works with the Mayor’s Office of Budget and Performance and the Office of the City Administrator to develop our budget.

Expenditures

18. Please *complete the attached table* in Excel with the following information on each **contract, procurement, and lease** leveraged in FY2019 and FY2020 as of Jan. 1, 2020, 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.

Response: Please see Tab Q18 (Contracts) attachment marked “Q11 . OLRCB Budget and Expenditures .”

19. Please complete the following table with information on all **credit card, p-card, or purchase card purchases and expenditures** for FY2019 and FY2020, as of Jan. 1, 2020; 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.

Credit, p-card, and purchase card expenditures, FY2019 and FY2020

<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	12/05/18	NAEN	\$346.00	MEMBERSHIP
Mary Redfearn	12/30/19	NAEN	\$346.00	MEMBERSHIP
Mary Redfearn	12/30/19	NAEN	\$650.00	Registration Fee

20. Were any protests or appeals filed with the **Contract Appeals Board** in FY2019 or 2020 as of Jan. 1, 2020, against or involving your agency? If so, please complete the following table with information on each such protest or appeal; add rows as necessary.

Response: No protests or appeals were filed with the Contract Appeals Board in FY19 or FY20, to date.

III. Agency Organization and Personnel

21. Please provide an **organizational chart** for the agency, arranged by division and subdivision, as of Jan. 15, 2020.

- a. Show for each division and subdivision:
 1. The names and titles of all personnel;
 2. 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. 15, 2020.

Response: Please see attachment marked Q21. OLRCB Organization Chart.

22. Please *complete the attached table* in Excel with a **chart of all positions (i.e., Schedule A)** at the agency, as of January 15, 2020.

Response: Please see Tab Q22 (Personnel) in attachment marked "Q11. Budget and Expenditures."

23. Please list each **vacant position** number 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. 15, 2020.

Response: There is an Attorney Advisor (#00002325) position that has been vacant since December 6, 2019. OLRCB is currently interviewing candidates to fill this position by the end of February.

24. 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 FY2019 or FY2020, 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 FY2019 or FY2020

whose hire date is before FY2016, please explain why the employee is term and has not been converted to a permanent employee.

Response: OLRCB has had no term or temp employees or positions during the covered period.

25. How many and what percentage of employees at OLRCB as of Jan. 15, 2020, were **District residents**?

Response: 70 percent of OLRCB employees are District residents.

26. Please complete the following charts about the **residency of new hires** at OLRCB in FY2019 and FY2020:

DC Residency of Employees Hired in FY 2019

<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	3	3	100%
Term	N/A		
Temporary	N/A		

DC Residency of Employees Hired in FY 2020, as of Jan. 15, 2020

<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		

27. Please complete the following table regarding employees placed on **administrative leave** in FY2019 or FY2020. 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.

Response: OLRCB had no employees on administrative leave in FY19 or FY20, to date.

28. For FY2019 and FY2020, as of Jan. 1, 2020, please complete the following table on each **employee separated** from the agency. Add rows as necessary.

Employees Separated from OLRCB, FY2019 and FY2020

<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>
Adessa Barker	Attorney Advisor			N/A
Dion Black	Attorney Advisor			N/A
Kevin Stokes	Attorney Advisor			N/A
Danielle Reich	Attorney Advisor			N/A

IV. OLRCB Litigation & Related Matters.

29. For any **litigation** in which OLRCB was involved as the representative of District government management (DC government as an employer) in FY2019 or FY2020, as of Jan. 1, 2020, 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.

Response: Please see attachment marked “Q29. OLRCB Litigation Status Update.”

30. How many **labor-management disputes were mediated** in FY2019 and in FY2020, as of Jan. 15, 2020, (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).

Response: Please see attachment for Q29.

31. In its FY2019 Performance Oversight responses, OLRCB stated that it would continue to work to **reduce its litigation costs**.

- a. What steps has OLRCB taken or strategies has it implemented to reduce these costs?
- b. Please list total litigation costs for FY2019 and FY2020, as of Jan. 1, 2020, and describe the reason for the expense (for example, contract attorney services or court filing fees).

Response: To achieve reductions in litigation costs, OLRCB continues to prevail in and successfully mediate cases. OLRCB is also working proactively with the employing agency and the Office of the City Administrator (OCA), as appropriate, to determine the best course of action for every case (i.e., mediate, settle, or proceed to hearing) to best

ensure that public interest is being served and that taxpayer funds are being preserved. The total approximate litigation costs for the covered period is as follows:

- Attorney's fees - ~\$209,750.00;
- Administrative filing fees - \$4,125.00;
- Costs awarded in PERB ULP cases - \$ 3,278; and
- Transcription fees - \$7,450.

These litigation costs were significantly affected by a few awards of attorney's fees against a small number of agencies who had adverse arbitration awards. These agencies have been identified for additional training and guidance to prevent unnecessary recurrences.

V. Collective Bargaining

32. 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.

Response: Please see attachment Q32 marked OLRCB Union Contact List.

33. 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.

Response: Please see attachment marked Q33 Collective Bargaining Agreement.

34. Please list every collective bargaining agreement for which the **expiration date passed** in FY2019 or the first quarter of FY2020, 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.

Response: Please see attachment marked Q33 Collective Bargaining Agreement.

35. Please provide a brief explanatory paragraph for every agreement that was at an **impasse** during FY2019 or the first quarter of FY2020, including agency(ies) and unions, describe the issues unresolved, and provide current status.

Response: The District of Columbia Public Schools, the Office of the State Superintendent of Education, and the American Federation of State, County and Municipal Employees (AFSCME), District Council 20, and Local Union 2921 were at an impasse in its negotiations over a successor compensation agreement during FY 2019. The parties reached agreement on all working conditions provisions, but certain compensation items, including wages went to interest arbitration. On December 6, 2019, the Arbitrator issued his award. OLRCB is awaiting the issuance of the fiscal impact statement and finalizing the legislative package for submission to the Council for approval of the interest arbitration award and the agreement. Also, the National Association of Government Employees (NAGE) and the Department of Forensic Sciences (DFS) were and still at an impasse in its negotiations over a successor working conditions agreement.

D.C. Official Code § 1-617.17(h) prohibits OLRCB from any further explanation regarding any of these negotiations at impasse. It states that “[a]ll information concerning negotiations shall be considered confidential until impasse resolution proceedings have been concluded or upon settlement.”

36. Please provide the following information regarding the **length of time to complete negotiations** for each CBA that was entered into in FY2019 or FY2020, as of Jan. 15, 2020. 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.

CBA entered into in FY 19 (October 2018 – September 30, 2019)	Stated Expiration Date	Starting Date of Negotiations (Exchange of Proposals)	Completion Date of Negotiations	Effective Date/ Implementation Date of New CBA (Council Approval Date)	Number of Days from expiration date and new effective date/ (Council Approval date)
DCPS and the Council of School Officers (Compensation and WC)	9/30/2017	10/31/2017	5/15/2019	7/9/2019	647 days
Doctors Council and DBH (Compensation)	9/30/2016	2/21/2017	1/7/2019	5/31/2019	973 days

Doctors Council and District agencies in Comp Unit 19 (Compensation)	9/30/2016	2/21/2017	1/7/2019	5/27/2019	969 days
District of Columbia Nurses Association and DBH (Compensation)	9/30/2017	3/7/2017	11/01/2018 (Date of Consent Award)	5/10/2019	587 days
District of Columbia Nurses Association and District agencies in Compensation Unit 13 (Compensation)	9/30/2017	4/27/2017	11/9/2018 (Date of Consent Award)	5/6/2019	583 days
FOP DYRS LC and DYRS (WC)	9/30/2007	12/2/2016	9/24/2018 (Date of Arbitrator's Award)	4/2/2019 (Date of Mayor's Approval)	4202 days
NUHHCE 1199DC, AFSCME 3758 and DBH (Clinical Psychologists) (Compensation)	9/30/2017	2/1/2019	9/18/2019	Pending submission to Council shortly (awaiting FIS)	TBD
DCPS, OSSE and AFSCME 2921 (Compensation and WC)	9/30/2017	8/4/2017	12/6/2019 (Issuance of Arbitrator's Award)	Pending submission to Council shortly (awaiting FIS)	TBD

37. Please list all **impacts and effects bargaining** conducted in FY2019 and FY2020, including the agency(ies), union(s), description of subject matters bargained or in bargaining, and status as of Jan. 15, 2020 (e.g. if complete, the result; if it's negotiations currently, etc.).

Response: Listing of OLRCB Impact and Effects Negotiations conducted in FY 2019 and FY 2020 and status as of January 15, 2020

- Fraternal Order of Police/ Department of Youth Rehabilitation Services Labor Committee (FOP/DYRS LC) and DYRS
 - Implementation of the Comprehensive Youth Justice Amendment Act of 2016 requiring the transfer of Title 16 youth from the Department of Corrections to DYRS. Parties agreed in mediation regarding Union's unfair labor practice complaint filed with PERB (Case 18-U-34) to engage in Impact and effects negotiations. Negotiations held on 12/20/2018, and Parties reached MOU on the matter.

- AFSCME, District Council 20 on behalf of all its bargaining units, AFGE locals 631, 1000, NAGE on behalf of its units.
 - FOP DYRS LC requested impact and effects negotiations in December 2018, on Revisions to District Personnel Manual Chapter 4, 12, 14, 16 and 20. Attorneys assigned to these negotiations have no longer with OLRCB and negotiations will be rescheduled.

- AFGE 383 and DDS;
 - Policy Changes for DDS' Service Coordination Caseload and Monitoring that were implemented in early October 2018 after agency adopted significant input by the Union. Parties agreed in mediation regarding the Union's unfair labor practice complaint filed with PERB (19-U-02) to engage in Impacts and Effects negotiations, which were held in March and May 2019. Parties reached agreement on MOU on 5/23/19 on the implementation of the revised policy.

- DCNA and Department of Health Care Finance
 - Impact and effects negotiations on Realignment of Office of the Ombudsman and Health Care Bill of Rights. All issues addressed and resolved in April 24, 2019 Briefing/I&E with the Union.

- DCNA and Department of Health Care Finance.
 - Division of Program Integrity's decision to pursue hiring a Non-RN Manager for Nurses in DPI, whose primary duties involve auditing, not nursing functions. DCNA Working Conditions CBA requires nurses to be supervised by RN for nursing functions. I&E held on 7/17/19. DCNA objects to agency decision to hire non-RN manager in violation of the Board of Nursing Act requirements. Agency awaiting response/determination from the Board of Nursing on whether the auditing functions performed by DPI nurses constitute nursing functions under the Nursing Act requirements.

- AFGE 1000 and Department of Parks and Recreation.
 - Impact and effects negotiations held on 8/28/19 regarding implementation of new dress code policy. All issues addressed and resolved in August 28, 2019 Briefing/I&E with the Union.

- AFGE 631 and OLRCB.
 - Impact and Effects Negotiations on Implementation of Automated Dues Processing District-wide in April 2019, and implementation of revisions required by Supreme Court's decision in Janus v. AFSCME, issued in June 2018.

- AFSCME, District Council 20, Local 1959 and Office of the State Superintendent of Education -
 - Policy Change in allowing terminal employees "up to" 10 minutes at the end of each leg or on-the road trip activity to conduct required post-trip safety inspection; I&E held on 11/13/19;
 - Union instead demanded substantive bargaining on change since it impacts overtime/compensation. Management disagreed and has moved ahead with implementation of changes. Union has filed ULP with PERB.

- AFGE 2725 and Department of Health, Health Regulation and Licensing Administration (HRLA);
 - Realignment, including 30-day notice of Reduction in Force - Revised Notice issued 11/12/19; I&E requested. Union has not responded to OLRCB's requests to schedule I&E. Now moot as RIF has already occurred.

- AFGE 3721 and FEMS;
 - Reassignments of Medic Units 19 and 31; Union requested I&E and made Request for information (RFI). FEMS sent response to RFI - 10/16/19. FEMS sought to set dates multiple times to no avail. OLRCB sent notice that FEMS will move forward with the PARs for the reassignments of employee. Union objected and seeking I&E before implementation dates.

- NAGE and DFS.
 - New Policies -- Carrying Firearms at work; Minimizing Appearance of Conflicts of Interest; Leave Usage/Management; and Prohibiting Unauthorized Audio/Video Recording. RFI made on 5/29/19. Responses provided on 8/1/2019. I&E sessions held on 5/22/19 and 10/17/19. Union stated that it would provide additional or follow-up proposals, but has not done so to date.

- AFGE Locals 383, 1403, 2725 and 278 and Department of Health;
 - Department wide SOPs on Requests for Reasonable Accommodations and Unusual Incident Reporting and Investigation. I&E held on 11/5/19 and awaiting written I&E proposals, past due as of 11/20/19.

- Mayor's Order 2019-081 on Cannabis Policy, Guidance and Procedures;
 - I&E with Unions and Agencies - District wide. Multiple I&E bargaining sessions held and in process with AFSCME, District Council 20 and NAGE, both on behalf of all its bargaining units across District agencies, FOP at DYRS, and AFGE locals. I&E was completed with NAGE.

VI. Agency Operations & Programs

38. In responding to the 2019 Performance Oversight questions (question 34), the agency stated that it had formed an internal initiative called the **Innovation Taskforce** to consider improvements to electronic case management and litigation processes and systems.

- a. Please provide each taskforce member’s name, title, professional affiliation(s), and dates of service on the Taskforce.
- b. What activities did the Taskforce conduct in FY2019 and FY2020?
- c. What were the Taskforce’s accomplishments in FY2019?

Response: After further consideration, OLRCB decided that this taskforce was no longer needed, and therefore was dismantled.

39. In responding to the 2019 Performance Oversight questions (question 3), the agency stated that it had processed a record number of dues forms and was pursuing an **automated forms processing system**.

- a. How many hard copy union dues forms did the agency receive in each year of FY2017, FY2018, FY2019, and FY2020, as of Jan. 15, 2020?

Response: Electronic dues sign up in PeopleSoft began in March 2019.

- b. How many forms were received electronically (specify email, via web portal, etc) in each year of FY2017, FY2018, FY2019, and FY2020, as of Jan. 15, 2020?

Type	FY 2018	FY 2019	FY 2020	TOTAL
Hard Copy	5790	3248	525	9563
PeopleSoft		1646	34	1680
Total	5790	4894	559	11243

- c. Please detail the agency’s progress toward implementing more automated forms processing in collaboration with OCA and labor organizations.

Response: Currently AFSCME, District Council 20, NAGE and IAFF employees have access to sign up for union membership in PeopleSoft. However, as other unions incorporate this feature into their process, they need to submit a direct request to OLRCB.

- d. What is involved in “processing” these dues forms, and what is the usual timeframe to process them?

Response: Dues processing begins with the confirmation that the forms are correctly and completely filled out by OLRCB within two weeks of receiving them. The forms are hand delivered to Payroll, which has up to two pay periods to activate the dues deduction in the individual’s PeopleSoft profile when payroll is processed.

The automated process allows employees to activate dues deduction by accessing the appropriate tab in PeopleSoft, employee self-service page. The employee will only be able to activate dues deduction if they are correctly affiliated with a particular union. Once the employee has made the selection, the deduction will begin when pay is run.

40. How many **unfair labor practice complaints were filed by unions** against District agencies in FY2019 and FY2020, thus far? Please note the agencies and unions involved. Please summarize the results, e.g. number decided in favor of management, number decided in favor of unions, number withdrawn, etc.?

Response: Please see attachment marked Q40.FY 19 Unfair Labor Practice Complaints by Unions.

41. How many **unfair labor practice complaints were filed against unions** by the District or a District agency in FY2019 and FY2020? Please note the agencies and unions involved. Please summarize the results, e.g. number decided in favor of management, number decided in favor of unions, number withdrawn, etc.?

Response: The District does not typically file unfair labor practices complaints against unions. None was filed against any union during the covered period.

42. Describe **OLRCB’s role in offering Commuter Benefits** to District labor-represented employees, affiliated costs, and any related cost savings by the agency. How many eligible employees participated in the Commuter Benefits program for District labor-represented employees in FY2018 and FY2019?

Response: OLRCB does not have a direct role in offering Commuter Benefits to District labor-represented employees. OLRCB does however represent management in the negotiation of benefits with labor organizations on behalf of their bargaining unit members.

43. What was the average monthly amount of pre-tax benefits requested by employees using the **Commuter Benefits**?

Response:

FY18: 8,827 SmartBenefits accounts for participating union employees

FY19: 7,895 SmartBenefits accounts for participating union employees

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

Negotiated Employee Assistance Home Purchase Program, FY2018-FY2020

	FY2018	FY2019	FY2020 (as of Jan. 1, 2020)
Applications received	21	153	39
Applications received from DC residents	19	139	37
Number of employees who purchased homes using NEAHP funds	8	38	11
Total funds distributed	\$48,000	\$244,000	\$57,000

45. Please provide the **number of homes purchased by Ward** with NEAHP funds, if available, in FY2018, FY2019, and FY2020, as of Jan. 15, 2020.

Number of Homes Purchased by Wards	FY2018	FY2019	FY2020 (as of Jan. 15, 2020)
Ward 1	0	1	0
Ward 2	0	1	0
Ward 3	0	0	0
Ward 4	0	2	2
Ward 5	1	2	3
Ward 6	2	2	0
Ward 7	1	13	4
Ward 8	4	17	3
Total	8	38	12

46. For each **PERB decision issued** in FY2019 or FY2020, until Jan. 15, 2020, that required 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.

Response: Please see attachments marked Q46. PERB Cases Requiring Actions.

VII. Agency Disputes

47. Please list in chronological order any other (non-union) **complaints against or regarding the agency or its employees, filed by any District government employee**, that were filed or pending in FY2019 or FY2020. Do not include items covered in question 29. 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 FY18 or FY19, to date, describe the resolution or outcome.

Response: There were no complaints of this type against OLRCB or any OLRCB employee in FY19 or FY20, to date nor are there any earlier such grievances pending against OLRCB or any OLRCB employee.

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 FY2019 or FY2020, as of Jan. 15, 2020. Do not include items covered in question 29.
- 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 FY2019 or FY2020, to date, describe the resolution.

Response: There was only one unfair labor practice case filed against OLRCB in FY 19. That case is still pending. Mediation will continue throughout the beginning of 2020, but a resolution is expected. Any resolution will involve close coordination of activities between multiple affected District agencies.

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 FY2019 or FY2020, as of Jan. 15, 2020, 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 29. 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.).

Response: Please see attachment marked "Q49. OLR CB Settlement."