

OFFICE OF LABOR RELATIONS AND COLLECTIVE BARGAINING
FY2020 - FY2021 Performance Oversight Questions
Committee on Labor and Workforce Development
Councilmember Elissa Silverman (At-Large), Chair

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I. Agency Priorities and Performance

1. Please discuss OLRCB's **top five priorities**.
 - a. How did the agency address its top five priorities in FY2020, including the impact of and any adjustments or modifications due to COVID-19?
 - b. What are the agency's top five priorities in FY2021? Please explain how the agency expects to address these priorities in FY2021.

Response: OLRCB's top priority for FY2020 was our continued effort to reduce litigation costs. As the protection of public funds remains important, the reduction of litigation costs will remain a top priority for FY2021. 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 FY2020 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 FY2021, 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 FY2020 was the development of a training curriculum based upon litigation case data. OLRCB held quarterly labor liaison forums in FY2020 and conducted case studies based upon litigation case data for District Government management officials and labor law practitioners.

OLRCB's fourth priority for FY2020 was the promotion of employee growth. OLRCB encouraged 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 FY2021. OLRCB will continue to encourage employees to attend relevant trainings, conduct its own trainings on litigation and bargaining, and have more employees serve as the lead negotiator for management teams in collective bargaining on working conditions agreements.

OLRCB's fifth priority for FY2020 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. Moreover, as a result of the health pandemic, OLRCB led the COVID Labor Response Team to directly address COVID related concerns and issues from labor partners. In addition, OLRCB hosted a bi-weekly Labor Roundtable with labor leaders, in partnership with the City Administrator, the Assistant City Administrator, District of Columbia Human Resources and the Department of Health.

2. Please list each **program** or body of work operated or administered by OLRCB during FY2020 and FY2021. Highlight any programs new in FY2020 or FY2021. For each program, please provide a description of the program, the office that carries out the program, activities in FY2020 and FY2021, 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 FY2020 or FY2021, 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 FY2020, OLRCB led several successful initiatives including the First Time Home Buyers program with EagleBank. This program was used to share information with labor partners about the available home purchase options in the District. This initiative was in high demand from labor partners and was successfully implemented by OLRCB. Due to COVID-19 health emergency, OLRCB decided to put a hold on this initiative until further notice. During FY2020, OLRCB launched its community service program, where staff volunteered several hours a week at Horton Kids to tutor children.

4. Please provide a copy of OLRCB's FY2020 **performance accountability report**.
 - a. Please explain which performance plan strategic objectives and key performance indicators (KPIs) were met or completed in FY2020 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: Please see the requested information in the attachment marked "Response to Q.4 PAR".

5. Regarding the OLRCB's FY2021 **performance plan**:
 - a. Please provide a copy of OLRCB's FY2021 performance plan as submitted to the Office of the City Administrator.
 - b. Discuss any changes to any outcomes measurements in FY2021, 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 the requested information in the attachment marked "Response to Q.5 FY2021 Performance Plan".

II. Budget and Expenditures

Budget

6. **Budget.** Please *complete the attached table* in Excel showing your agency's budget, including Council-approved original budget, revised budget (after reprogramming, etc.), and actual expenditures, by fund source, program and activity, for FY2020 and the first quarter of FY2021. 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 FY2020 for each program and activity code.

Response: Please see the requested information in the attachment marked "Response to Q.6 Budget".

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

Response: Please see the requested information in the attachment marked "Response to Q.7 NPS Spend Plan".

8. Please provide the following information for all **intra-District memoranda of understanding (MOUs)** for FY2020 and FY2021 as of Jan. 1, 2021, *including anticipated MOUs* for the remainder of FY2021.
- Attach copies* of all intra-district MOUs.
 - Please *complete the attached table* in Excel for all MOUs, including anticipated MOUs.

Response: Please see the requested information in the attachment marked "Response to Q.8 Intra-District MOU".

9. Please provide the following information for all **intra-District memoranda of agreement (MOAs)** for FY2020 and FY2021 as of Jan. 1, 2020, including anticipated MOAs for the remainder of FY2021.
- Attach copies* of all intra-district MOAs, other than those for overhead or logistical services, such as routine IT services or security.
 - For each MOA, including anticipated MOAs, complete the table below; add rows as necessary.

Response: OLRCB had no intra-District MOA's for FY2020 and FY2021.

10. Please *complete the attached table* for each **interagency reprogramming** of funds into and out of the agency for FY2020 and FY2021, as of Jan. 1, 2021, including anticipated inter-agency reprogramming for the remainder of FY2021.
- Please *attach copies* of the reprogramming documents, including the Agency Fiscal Officer's request memos and the attached reprogramming chart.

- b. For each reprogramming, including anticipated reprogramming, complete the attached chart in Excel

Response: OLRCB had no interagency reprogramming in FY2020.

11. Please *complete the attached table* for each **intra-agency reprogramming** *within* your agency during FY2020 and FY2021, as of Jan. 1, 2021, as well as any anticipated intra-agency reprogramming for the remainder of FY2021.
 - a. Please *attach copies* of any reprogramming documents.
 - b. Please include in the attached Excel chart a detailed rationale for the reprogramming: why the funds were available and what they will be used for.

Response: OLRCB had no interagency reprogramming in FY2020.

12. 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 FY2019, FY2020, and FY2021.

Response: OLRCB works with the Office of the City Administrator to develop its budget. The FY2019, FY2020, and FY2021 budgets submitted by the Mayor to the Council reflect those efforts.

III. Expenditures

13. Please *complete the attached table* in Excel with the following information on each **contract, procurement, and lease** leveraged in FY2020 and FY2021 as of Jan. 1, 2021, 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: OLRCB had no contract, procurement, and lease with a value amount of \$10,000 in FY2020, and FY2021, to date.

14. Please complete the following table with information on all **credit card, p-card, or purchase card purchases and expenditures** for FY2020 and FY2021, as of Jan. 1, 2021; 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, FY2020 and FY2021

<i>Employee name</i>	<i>Date of expenditure</i>	<i>Vendor name (do not list "PayPal;" name the ultimate vendor)</i>	<i>Dollar amount</i>	<i>Purpose of expenditure</i>
Mary Redfearn	Oct.-Sept. 2020	Comcast	\$566	Equipment
Mary Redfearn	Oct.-Sept. 2020	FEDEX	\$445	Pro. Service fee
Mary Redfearn	Oct.- Sept 2020	Total Office Products	\$3,655	Office Supplies

Response: Please see the requested information in the attachments marked “Response to Q.14 Purchase List”.

15. Were any protests or appeals filed with the **Contract Appeals Board** in FY2020 or FY2021 as of Jan. 1, 2021, 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 FY21, to date.

IV. Agency Organization and Personnel

16. Please provide an **organizational chart** for the agency, arranged by division and subdivision, as of Jan.1, 2021.
- 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.1, 2021.

Response: Please see the requested information in the attachment marked “Response to Q.16 OLR CB Org Chart”.

17. Please *complete the attached table* in Excel with a **chart of all positions (i.e., Schedule A)** at the agency, as of January 1, 2021.

Response: Please see the requested information in the attachment marked “Response to Q.17 All Positions Chart”.

18. Please list each **vacant position’s** 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.1, 2021.

Response: OLR CB has two vacant positions: (1) Attorney Advisor (#00082698) position that has been vacant since October 1, 2020 and (2) Administrative Officer (#00016673) that has been vacant since January 2021. OLR CB’s hiring process is currently on hold for these positions.

19. 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 FY2020 or FY2021, 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 FY2020 or FY2021 whose hire date is before FY2017, please explain why the employee is term and has not been converted to a permanent employee.

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

20. How many and what percentage of employees at OLRCB as of Jan.1, 2021, were **District residents**?

Response: Currently, six OLRCB employees, or 55%, live in the District.

21. Please complete the following charts about the **residency of new hires** at OLRCB in FY2020 and FY2021:

DC Residency of Employees Hired in FY 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	1	1	?
Term	N/A	N/A	
Temporary	N/A	N/A	

DC Residency of Employees Hired in FY 2021, as of Jan.1, 2021

<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		

22. Please complete the following table regarding employees placed on **administrative leave** in FY2020 or FY2021. 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 FY2020 or FY2021, to date.

23. For FY2020 and FY2021, as of Jan. 1, 2021, please complete the following table on each **employee separated** from the agency. Add rows as necessary.

Employees Separated from OLRCB, FY2020 and FY2021

<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>
Attorney Advisor			Resignation
Attorney Advisor			Promotion
Attorney Advisor			Resignation
Administrative Officer			Retirement

24. Has any OLRCB employee contracted COVID-19 during FY2020 or FY21? If so, please describe:

- a. The number of employees;
- b. If known, for each employee, whether they contracted COVID-19 at work.
- c. Whether OLRCB or the employee reported the infection to the Office of Risk Management or filed a workers’ compensation claim.

Response: No OLRCB employee contracted COVID-19 during FY2020 or FY2021, to date.

V. OLRCB Litigation & Related Matters.

25. For any **litigation** in which OLRCB was involved as the representative of District government management (DC government as an employer) in FY2020 or FY2021, as of Jan. 1, 2021, 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 the requested information in the attachment marked “Response to Q.25 Litigation”.

26. How many **labor-management disputes were mediated** in FY2020 and in FY2021, as of Jan.1, 2021, (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 the requested information in the attachment marked “Response to Q.26 Cases Mediated”.

27. In its FY2020 Performance Oversight responses, OLRCB stated that it would continue to work to **reduce its litigation costs**.

a. What steps has OLRCB taken or strategies have been implemented to reduce these costs?

Response: OLRCB has continued to closely monitor its caseload and carefully assess cases that have poor likelihoods of success at hearing and are suitable for resolution. Likewise, it pursues well-considered litigation strategies to defend the agencies it serves. To this end we encourage agencies to take advantage of our various training encouraging the best practices in labor relations matters, including “Managing in a Unionized Environment”, “Progressive Discipline”, “Weingarten Rights”, and more; thereby, reducing unnecessary litigation and discord with union partners We also hold Quarterly (virtual) Labor Liaison Forums to pass along relevant and helpful information that supports and advances a comprehensive and effective citywide labor relations program.

- b. Please list total litigation costs for FY2020 and FY2021, as of Jan. 1, 2021, and describe the reason for the expense (for example, contract attorney services or court filing fees).

Response: Collectively, in the covered period, total litigation costs were approximately \$236,200 and represent attorney's fees and costs awarded against various District agencies in disciplinary and contract-related matters. This total also includes \$2,200 in arbitration administrative fees paid in the same period to the American Arbitration Association and the Federal Mediation & Conciliation Service.

VI. Collective Bargaining

28. 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 the requested information in the attachment marked "Response to Q.28 Current Union Contract List".

29. 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 the requested information in the attachment marked "Response to Q.29-Q.30 Collective Bargaining Agreements".

30. Please list every collective bargaining agreement for which the **expiration date passed** in FY2020 or the first quarter of FY2021, 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. Please discuss any delays in negotiations caused by circumstances involving the public health emergency and describe how the agency intends to resolve.

Response: Please see the requested information in the attachment marked "Response to Q.29-Q.30 Collective Bargaining Agreements".

31. Please provide a brief explanatory paragraph for every agreement that was at an **impasse** during FY2020 or the first quarter of FY2021, including agency(ies) and unions, describe the issues unresolved, and provide current status.

Response: In FY 2020, the National Association of Government Employees (NAGE) and the Department of Forensic Sciences (DFS) were still at impasse in its negotiations over a successor working conditions agreement. However, the parties filed final briefs with the arbitrator on December 28, 2020, and they are awaiting the arbitrator's award in this matter. The impasse relates to the scope of matters that can file under the negotiated grievance and arbitration process.

32. Please provide the following information regarding the **length of time to complete negotiations** for each CBA that was entered into in FY2020 or FY2021, as of Jan.1, 2021. 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.

Response: Please see the requested information in the attachment marked "Response to Q.32 Negotiation Timeline".

33. Please list all **impacts and effects bargaining** conducted in FY2020 and FY2021, including the agency(ies), union(s), description of subject matters bargained or in bargaining, and status as of Jan.1, 2021 (e.g. if complete, the result; if it's negotiations currently, etc.).

Response:

- Department of Corrections and Fraternal Order of Police/DOC Labor Committee
 - Impact and effects negotiations over DOC implementation of 12-hour shift in response to the public health emergency, demand for testing at the jail, and COVID protocols. Negotiations were held on May 8, 12, 14, 20, June 2, July 7, July 28, and August 4, 2020, to address the Union's demands and concerns. OLRCB working with the Union's new counsel to reconcile status of outstanding grievances that were filed by prior counsel and the status and resolution of the matters addressed in negotiations.
- AFSCME DC 20, Local Union 2401 and Department of Aging and Community Living (DACL)
 - Implementation of weekly rotation for on-call assignments for the 15 social workers in the Adult Protective Services Division, instead of different employees assigned daily for on-call. District law requires APS to maintain 24/7 coverage for access to its assistance and services. DACL sent out the planned six month calendar to allow for as much notice and as little disruption as possible to staff, and overall, the weekly rotation would result in each person being on-call for 3-4 weeks (or once per quarter) over the course of the year. Impact and effects negotiations were held on May 1, 2020, that addressed the Union's and employees concerns with the new rotation prior to implementation.

- AFGE 631 and Agencies with bargaining units – DPW, DGS, OCP, Office of Planning, DDOE, and Office of Zoning
 - Impact and effects negotiations over management actions taken in response to the public health emergency, including shift changes, and bargaining over COVID protocols, including PPE. Negotiations held on May 28, 2020, and parties have since exchanged proposals and counter proposals in effort to reach agreement and finalize MOU on this matter.

- AFSCME DC 20, Local Union 2743 and DCRA
 - Implementation of changes in tours of duty and schedules for DCRA investigators in the Consumer Protection Unit and the Special Events and Vending Unit, to include weekend shifts. The changes were necessary to implement a Mayor’s Order that required DCRA to provide enforcement at the Wharf upon approval of its reopening. On June 9, 2020, impacts and effects negotiations were conducted. The union completely objected to agency changing the tours and schedules to include regular weekend shifts notwithstanding the Mayor’s Order. Union proposed that any weekend requirements must be solely filled by volunteers on overtime. Management rejected union’s attempts to undo management’s exercise of its rights to change tours and to assign work to employees on Saturday and Sunday and to set schedules that ensure such work is performed by employees, moved ahead with the actions effective June 13, 2020.

- AFSCME DC 20 locals, NAGE locals, FOP DYRS LC, AFGE 631, AFGE Coalition of Local Unions 383, 1403, 1975, 2725, 2741, 2978, and multiple impacted agencies, including ABRA, DBH, DCRA, DCPL, DDOT, DDS, DDOE, DFH, DGS, DHCD, DMV, DOES, DPR, DPW, DYRS, FEMS, OAG, OSSE, OP, OZ.
 - Implementation of revisions promulgated by DCHR for Chapters 2 and 4 of the District Personnel Manual (DPM) regulations. DCHR and OLRCB hosted informational sessions on June 30 and July 2, 2020, on the scope of the DPM changes for all the unions that requested impact and effects negotiations. OLRCB has since engaged in negotiations with the AFGE Coalition of local unions on August 18, 2020 and January 7, 2021. The AFGE Coalition unions have recently filed negotiability appeal of the non-negotiable assertions of management rights that have been made. Negotiations with the coalition will resume upon PERB’s decision on the negotiability of the union’s proposals.

- Washington Teachers Union and DCPS
 - Impact and effects negotiations over management actions taken in response to the public health emergency, including DCPS' initial or preliminary guidelines to return to hybrid learning including virtual and in-person learning model, and the survey sent to teachers to confirm their intent to return to schools effective July 31, 2020. The Parties had their first reopening bargaining session on or about July 9, 2020. During the month of July, the Parties met for reopening bargaining sessions three additional times on or about July 15, 23 and 30, 2020. During the month of August, the Parties met for reopening bargaining sessions on August 6, 13, 20 and 27, 2020. On or about August 28, 2020, the Parties signed a Memorandum of Agreement on Distance Learning. The Memorandum of Agreement on Distance Learning covered the period during which classes would be offered virtually.

Subsequently, during September 2020, the Parties met for reopening bargaining sessions on September 3, 10, 17 and 24, 2020. During the month of October, the Parties engaged in reopening bargaining sessions, meeting on October 1, 7, 8, 9, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 29, and 30, 2020. The Parties continued their extensive engagement in November, meeting for reopening bargaining sessions on November 5, 6, 9, 10, and 12, 2020. The Parties reached a tentative agreement on reopening classrooms to in-person learning on November 12, 2020, included provisions about DCPS assigning bargaining unit members for in-person instruction as needed for Terms 3 and 4. Although Chancellor Ferebee signed the MOA, WTU President refused to sign the tentative agreement. On or about November 19, 2020, WTU sent DCPS extensive proposed changes to the tentative agreement language, which were rejected by DCPS. DCPS suggested that the union reconsider its decision to reject the tentative agreement from November 12, 2020 and DCPS indicated that it intended to implement the agreed-upon MOA and move forward pursuant to its terms. Furthermore, DCPS requested that WTU act in good faith and sign the MOA that the parties agreed to.

On or about December 3, 2020, DCPS began to implement the terms of the tentative agreement by emailing bargaining unit members a Statement of Intent (SOI) in accordance with terms of the MOA. On or about December 3, 2020, WTU sent an email encouraging bargaining unit members to hold off from completing the SOI further guidance received. On or about December 4, 2020, DCPS rejected WTU's proposal from December 3, 2020, noting that WTU's most recent proposal on staffing is substantially the same as the November 12 MOA, however, it contains additional revisions to key aspects already agreed to by the parties. Once again, DCPS encouraged WTU to reconsider signing the tentative agreed reached by the parties on November 12, 2020. On or about December 16, 2020, WTU sent DCPS another revised version of proposed changes to the tentative agreement language. A final MOA was signed by the parties on December 17, 2020.

- Council of School Officers and DCPS
 - Implementation of CARES classrooms and reopening of in-person operations during the pandemic. Negotiation sessions were held on September 9, 2020, October 27, 2020, November 13, 2020, December 4, 2020 and scheduled for January 26, 2021. The Parties are working on finalizing an MOU in relation to reopening issues and Covid-19 protocols.

- AFGE 1975 and DDOT
 - Implementation of Management's issuance of Departmental Order 2020-06, Mandatory Essential Staffing for 2021 Presidential Inauguration, regarding ensuring potential staffing needs for the upcoming Presidential Inauguration. Impact and effects negotiations were held on December 10, 2020. Management rejected Union's request to rescind and/or further delay issuing the Order, as employees needed to be aware of the agency's potential need to rescind leave, and the corresponding leave black out period. Also, the CBA requires management, when an emergency situation exists, to provide advance notice to employees who are required to work during such emergencies. While the inauguration itself is not an emergency, the unknown level of staff for 1st Amendment and other activities surrounding inauguration day that DDOT is required to provide in support, may be considered an emergency. DDOT issued the Order later that day on December 10, 2020.

- AFGE 383 and DYRS
 - Implementation of in impact and effects bargaining regarding the implementation of the agency's new policy requiring Case Coordination Team employees to report to DYRS facilities at least one day per week and bargaining over COVID protocols—effective January 25, 2021. Negotiations held on January 14, 2021, and the Parties are finalizing an MOU on the matter.

- AFSCME DC 20, Local Union 1959 and OSSE and DHS
 - Impact and effects negotiations over OSSE details of a number of bus drivers to assist DHS with its hypothermia, winter related activities, with picking up and dropping off homeless individuals to shelters, as well as assisting DHS outreach staff with the delivery of blankets, socks and other items to homeless individuals. Negotiations were held on January 15, 2021 and the parties reached a tentative agreement on Union's concerns over health and safety protocols, that will be memorialized in a MOU with the parties.

VII. Agency Operations & Programs

34. In responding to the 2020 Performance Oversight questions (question 34), the agency stated that it continues to develop an internal initiative called the **Innovation Taskforce**. **The Task Force’s purpose is** to implement improvements to electronic case management and litigation processes and systems.

- a. Did OLRCB complete the taskforce’s recommendation to integrate data from the Time Matters Case Management System into the E-Risk system?
- b. What activities did the Taskforce conduct in FY2020 and FY2021?
- c. What were the Taskforce’s accomplishments in FY2020?

Response: OLRCB has successfully implemented the recommendation of the Taskforce, which included data integration of case files. Since then, OLRCB has put an end to the Taskforce and focused more on working with sister agencies to collaborate on future initiatives.

35. In responding to the 2020 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 FY2018, FY2019, FY2020, and FY2021, as of Jan.1, 2021?

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 FY2018, FY2019, FY2020, and FY2021, as of Jan.1, 2021?

Type	FY 2018	FY 2019	FY 2020	FY 2021	TOTAL
Hard Copy	5790	3248	525	137	9700
Peoplesoft	0	1646	34	0	?
Total	5790	4894	559	137	?

- 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.

36. How many **unfair labor practice complaints were filed by unions** against District agencies in FY2020 and FY2021, 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: There were only three unfair labor practice complaints filed against unions by the District or a District agency in FY2020 and FY2021. All three were against the WTU by DCPS and are still active. Please see the attachment marked “Response to Q.36 ULP Filed by Unions”.

37. How many **unfair labor practice complaints were filed against unions** by the District or a District agency in FY2020 and FY2021? 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: OLRCB did not receive any complaints filed against Unions by the District or District Agency in FY2020 and FY2021.

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

Response:

Negotiated Employee Assistance Home Purchase Program, FY2020-FY2021

	FY2019	FY2020 (as of Jan. 1, 2020)	FY2021 (as of Jan. 1, 2021)
Applications received	153	94	
Applications received from DC residents	139	69	
Number of employees who purchased homes using NEAHP funds	38	38	
Total funds distributed	\$244,000	\$208,000	

*There has been no activity with NEAHP for FY21 due to the exhaustion of funds.

39. Please provide the **number of homes purchased by Ward** with NEAHP funds, if available, in FY2019, FY2020, and FY2021, as of Jan.1, 2021.

Response:

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

40. For each **PERB decision issued** in FY2020 or FY2021, until Jan.1. 2021, 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 attached the requested information in the attachment marked “Response to Q.40 PERB Decisions Issued”.

VIII. Agency Disputes

41. 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 FY2020 or FY2021. Do not include items covered in question 25. 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:

- a. Provide the agency name and office of the complainant at the time the matter occurred.
- b. Provide the name of the forum or agency notified of the complaint (whether or not it was a written complaint).
- c. Specify if the complaint concerns a colleague or supervisor of the complainant.
- d. Provide a brief description of the allegations or conduct at issue and the current status.
- e. Describe the response to the complaint or grievance, including any disciplinary action taken and any changes to agency policies or procedures.
- f. For any complaint or grievance that was resolved in FY19 or FY20, to date, describe the resolution or outcome.

Response: There were no complaints of this type against OLRCB or any OLRCB employee in FY2020 or FY2021, to date. There are no earlier grievances pending against OLRCB or any OLRCB employee.

42. 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 FY2020 or FY2021, as of Jan.1, 2021. Do not include items covered in question 25.
- 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 FY2020 or FY2021, to date, describe the resolution.

Response: There are no administrative grievances or complaints filed by parties outside District Government against OLRCB or any employee of the agency regarding services provided by or actions of the agency in FY2020 or FY2021 to date.

43. Please list all **settlements** entered into by OLRCB or by the Office of the City Administrator or the District on behalf of OLRCB in FY2020 or FY2021, as of Jan.1, 2021, 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 25. For each, provide
- The parties' names,
 - The date the settlement was entered into;
 - The amount of the settlement,
 - If related to litigation, the case name, court where claim was filed, case docket number, and the allegations; or
 - If unrelated to litigation, please describe the allegations or nature of the dispute that led to the settlement (e.g. sexual harassment, etc.).

Response: There are no settlements entered into by OLRCB or by the Office of the City Administrator or the District on behalf of OLRCB in FY2020 or FY2021, as of date.

IX. Evaluation and Information

44. For all **studies, research papers, reports, evaluations, and analyses**, including those provided by contractors or consultants, that OLRCB prepared or contracted for during FY2020 and FY2021, as of Jan. 1, 2021:
- For any study, paper, report, or analysis that is complete, please attach a copy.
 - 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.

45. 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 FY2020 and FY2021, as of Jan. 1, 2021, 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 FY20 and FY21, to date, there were no ongoing investigations or audits of or reports involving OLRCB or any OLRCB employee.

46. Please list all **recommendations identified by the Office of the Inspector General, DC Auditor, or other federal or local oversight entities** during FY2019, FY2020, or FY2021, as of Jan. 1, 2021 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.

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 FY19, FY20, or FY21, to date.

47. Please attach a copy the agency's **FOIA disclosure report(s)** for FY2020.

Response: Please see the requested information in the attachment marked "Response to Q.47 FOIA Report".

48. Please attach a **log of all FOIA requests** received in FY2020 and FY2021 with the request number, the name of the requestor, the request date, and a brief description of the information requested.

Response: Please see the requested information in the attachment marked "Response to Q.48 FOIA Log".