



FY 2015 PERFORMANCE PLAN

Public Employee Relations Board

MISSION

The District of Columbia Public Employee Relations Board (hereafter, “PERB”) is an impartial, quasi-judicial, independent agency empowered with the exclusive jurisdiction to resolve labor-management disputes between agencies of the District government, its labor organizations representing employees of the various District government agencies and employees covered by the Comprehensive Merit Personnel Act.

SUMMARY OF SERVICES

PERB determines appropriate compensation and non-compensation bargaining –units; certifies, decertifies, amends, clarifies and modifies labor organizations as exclusive bargaining representatives; facilitates and reviews election procedures and results concerning the selection of labor organizations as the exclusive bargaining representative; investigates and adjudicates unfair labor practices and standards of conduct complaints; reviews appeals of grievance arbitration awards; determines impasse status of collective bargaining between District government agencies and District government employee unions; facilitates Impasse arbitration bargaining between District government agencies and District government employee unions; determines negotiability of proposals submitted during collective bargaining contract negotiations between District government agencies and District government employee unions; mediates disputes submitted to PERB; issues subpoenas and conducts hearings; and adopts rules and regulations for conducting PERB business.

PERFORMANCE PLAN DIVISIONS

- Agency Management
- Adjudication¹

AGENCY WORKLOAD MEASURES

Measures	FY 2012 Actual	FY 2013 Actual	FY 2014 YTD ²
Number of cases filed	66	72	42
Number of hearings conducted	9	8	11
Number of mediations conducted	5	23	18 ³
Number of cases closed ⁴	75	123	84
Number of active cases	357	199	203
Number of cases published	162	123	37
Number of cases appealed to D.C. Superior Court	5	12	8
Number of cases remanded or reversed ⁵	NA	NA	NA
Number of cases appealed to D.C. Court of Appeals	0	2	1
Number of workshops or lectures ⁶	NA	NA	NA
Number of meet and greet gatherings ⁷	NA	NA	NA

¹ For the purposes of the FY15 Performance Plan, the (1000) Agency Management Division is included with the (2000) Adjudication Division to more accurately reflect the significant overlap of operations.

² Data is current as of June 30, 2014.

³ In-house only

⁴ Wording changed for clarity.

⁵ This is a new measure so historical data is not currently available.

⁶ This is a new measure so historical data is not currently available.



*Adjudication*⁸

SUMMARY OF SERVICES

Adjudication provides assistance in resolving labor management disputes between the District government and labor organizations representing employees of various District government agencies. The program contains the following 3 activities:

- Legal Support - provides assistance in resolving labor management disputes between the District government and labor organizations representing employees of various District agencies;
- Public Employee Relations Board - through Board meetings, provides final resolution of labor management disputes between the District government and labor organizations representing employees of various District government agencies; and
- Court Appeals and Enforcement - defends appeals filed by an aggrieved party. Also, if the PERB's order is reversed by the District of Columbia Superior Court, the PERB may file an appeal with the District of Columbia Court of Appeals.

OBJECTIVE 1: Efficiently resolves labor management disputes between District agencies and labor organizations.

INITIATIVE 1.1: Reduce the number of unresolved cases.

Since 2008, unresolved cases have accumulated for reasons including the lack of a Board quorum needed for decision making; staff shortages; lengthy mediations; and lack of funding to conduct the number of hearings to keep pace with the number of cases filed. This fiscal year, within the constraints of its budget, PERB will continue to increase the number of hearings held and, when possible, consolidate cases for hearings for the efficient use of time and resources. **Completion Date: September 2015.**

INITIATIVE 1.2: Integrate the electronic case filing system with the electronic case management system.

In April 2012, PERB adopted and implemented the policy requiring the electronic filing of new cases. In FY14, PERB acquired and installed an electronic case management system to maximize the use of technology and enable work enhancements that streamline PERB's case management process. PERB will work to integrate the electronic filing system with the electronic case management system to create a consistent and comprehensive management and tracking of cases filed, decided and issued by PERB. **Completion date: September, 2015.**

⁷ This is a new measure so historical data is not currently available.

⁸ For the purposes of the FY15 Performance Plan, the (1000) Agency Management Division is included with the (2000) Adjudication Division to more accurately reflect the significant overlap of operations



OBJECTIVE 2: Maintain and/or increase the number of matters that are settled through mandatory mediation program.

INITIATIVE 2.1: Identify newly filed cases for mandatory mediation.

PERB adopted mandatory mediation rules in January 2012. The purpose of this program is to allow parties the opportunity to reach a settlement of both specific cases and multiple cases concerning similar issues. In FY14, PERB staff will evaluate each newly-filed case for mediation, paying particular attention to the potential for “issues based” grouping of cases to mediate. **Completion Date: September 2015**

OBJECTIVE 3: Maintain a high rate of success concerning matters that are appealed to either the D.C. Superior Court or the D.C. Court of Appeals.

INITIATIVE 3.1: In FY14, PERB transferred responsibility for cases appealed to the D.C. Superior Court or the D.C. Court of Appeals to outside counsel following a slight upswing in remands and reversals. In FY15, outside counsel will continue to achieve the high rate of success as in previous years. PERB has temporarily employed an analyst to review and evaluate the manner in which decisions are drafted and to ensure that PERB decisions are drafted with the optimum effect and clarity to withstand appellate scrutiny. **Completion date: September, 2015.**

OBJECTIVE 4: Continue to review PERB’s rules in order to determine if PERB needs to amend its rules or promulgate new rules.

INITIATIVE 4.1: Amend rules to achieve consistency with statutory mandates.

The Board will revise its rules to improve the agency’s efficiency and delivery of services. Specifically, PERB is currently reviewing possible rule revisions including rules related to e-service, *pro se* filing requirements, filing deadlines in representation cases and to correct inconsistent provisions and misstated references to the D.C. Official Code. Revisions to PERB rules will clarify agency procedures and give the public a greater understanding and easier access to the PERB process.

Completion Date: September 2015.

OBJECTIVE 5: Assist District government agencies and unions representing District government employees enhanced skills needed for successful and productive labor/management relations.⁹

INITIATIVE 5.1: Conduct labor/management workshops and lectures as a resource for education and assistance in the collective bargaining and contract administration process.

Many cases filed with PERB share common themes that could have been resolved prior to the complaint stage if the representatives were more familiar with contract administration and grievance handling. The training will familiarize representatives with Weingarten rights, duty to bargain, interference and discrimination, information requests under the statute and timeliness. The training should have the effect of reducing the number of complaints filed. **Completion Date: September 2015**

⁹ This is a new objective.



INITIATIVE 5.2: Create an opportunity to bring labor and management together to discuss general labor topics with Board members.

PERB will host an open house for labor and management representatives to commingle in a no adversarial setting and discuss general labor relations issue with themselves and labor experts. This will foster and encourage the development of collegial relationships and with the intended effect of collaborative relationships in general leading to dispute resolution. **Completion Date: September 2015**

KEY PERFORMANCE INDICATORS – Public Employee Relations Board

Measure	FY 2013 Actual	FY 2014 Target	FY 2014 YTD ¹⁰	FY 2015 Projection	FY 2016 Projection	FY 2017 Projection
Percent of cases decided within 120 days of submission to PERB	8.9%	60%	8.23%	12%	12%	12%
Percent of decisions transmitted to the D.C. Register for publication within 60 days of issuance	100%	100%	97.83%	100%	100%	100%
Percent of compensation impasse cases resolved by mediation within 30 days	100%	100%	100%	100%	100%	100%
Percent of compensation impasse cases arbitrated within 45 days	NA	100%	100%	100%	100%	100%
Percent of cases upheld by D.C. Superior Court upon appeal	NA	100%	80%	100%	100%	100%
Percent of cases upheld by the D.C. Court of Appeals upon appeal	NA	100%	NA	100%	100%	100%
Percent of four workshops or lectures conducted	NA	NA	NA	100%	100%	100%
Opportunity for public to meet with Board members and PERB staff	NA	NA	NA	100%	100%	100%

¹⁰ Data is current as of June 30, 2014.