



FY 2014 PERFORMANCE PLAN Public Employee Relations Board

MISSION

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

SUMMARY OF SERVICES

- 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 unit representative;
- Investigates and Adjudicates unfair labor practice and standards of conduct complaints;
- Reviews appeals of grievance arbitration awards;
- Determines impasse status of collective bargaining between District of Columbia agencies and District of Columbia employee unions;
- Facilitates Impasse arbitration bargaining between District of Columbia agencies and District of Columbia employee unions;
- Determines negotiability of proposals to submitted during negotiations for a collective bargaining agreement between District of Columbia agencies and District of Columbia employee unions;
- Conducts mandatory mediation of disputes submitted to the Board;
- Issues subpoenas and conducts hearings; and
- Adopts rules and regulations for conducting the business of PERB.

PERFORMANCE PLAN DIVISIONS

- Agency Management
- Adjudication¹

¹ The (1000) Agency Management Division is included in the (2000) Adjudication section of the Board’s FY14 Performance Plan to more accurately reflect the significant overlap of operations.



AGENCY WORKLOAD MEASURES

Measure	FY 2011 Actual	FY 2012 Actual	FY 2013 YTD ²
Number of cases filed	93	66	58
Number of hearings conducted	9	9	15
Number of mediations conducted	0	5	22
Number of cases issued	71	75	90
Number of active cases	462	357	255
Number of cases published	0	162	90
Number of cases appealed to D.C. Superior Court	5	20	9
Number of cases appealed to D.C. Court of Appeals	0	3	0

² Data is current as of June 30, 2013.



*Adjudication*³

SUMMARY OF SERVICES

Adjudication provides assistance in resolving labor management disputes between the District government and labor organizations representing employees of various District agencies. The program contains the following 3 activities:⁴

- 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 agencies; and
- Court Appeals and Enforcement – defends appeals filed by an aggrieved party. Also, if the Board’s order is reversed by the District of Columbia Superior Court, the Board may file an appeal with the District of Columbia Court of Appeals. The division also seeks enforcement of the Board’s orders.

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

INITIATIVE 1.1: Reduce the backlog of cases caused by the lack of a Board quorum from June 2008 through June 2009.

The number of matters submitted to the Board for monthly meetings has been increased from an average of six (6) cases per month to an average of fifteen (15) cases per month. The number of matters will continue to increase in FY14 as the Board utilizes newly hired staff. Completion Date: September, 2014.

INITIATIVE 1.2: Acquire and adopt an electronic case management system.

The Board will acquire and adopt an electronic case management system to maximize the use of technology and enable work enhancements that streamline the Board’s case management process. The electronic case management system will improve the tracking and categorization of cases that have been filed with PERB. In addition, the technology will improve agency operations by identifying trends and factors necessary for consolidation and mediation of multiple matters and issues. Scanning closed case files will also facilitate review and retrieval of documents requested by the public. An electronic case management system and networking system must be implemented to fully utilize the digitally stored records. Completion Date: September, 2014.

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⁴ PERB notes that “Adjudication” is a merely a budgetary division housing several distinct programs – Legal Support, Public Employee Relations Board and Court Appeals.



INITIATIVE 1.3: Integrate the electronic case filing system with the electronic case management system.

In April 2012, the Board adopted and implemented an electronic filing system requiring all new cases to be filed electronically via the internet. In FY14, the Board will work to integrate the electronic filing system with an electronic case management system to create a consistent and comprehensive management and tracking of cases filed, decided and issued by the Board. Completion date: September, 2014.

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

INITIATIVE 2.1: Identify cases previously filed with the Board for voluntary mediation and provide the parties with information regarding the benefits of mediation.

PERB staff will review current matters pending the Board's disposition. At the Board's discretion, PERB will notify party representatives that the matter is scheduled for mandatory mediation. The intention of this action is to provide the parties with an alternative solution to litigation and to eventually reduce the amount of cases filed at PERB. Moreover, PERB hopes that its mediation program will begin to foster improved relations between the parties. Completion Date: September, 2014.

INITIATIVE 2.2: 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 FY12, PERB began identifying multiple cases with a common issue in dispute between a particular agency and union. PERB initiated mediation between the agency and union, which has the potential to settle approximately thirty unfair labor practice cases. In FY14, PERB staff will evaluate each newly-filed case for mandatory mediation, paying particular attention to the potential for "issues based" grouping of cases to be mediated. Completion Date: September, 2014.

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: PERB will utilize in-house General Counsel to maintain the same high rate of success in appeals before the D.C. Superior Court or the D.C. Court of Appeals.

In FY12, PERB transferred responsibility for cases appealed to the D.C Superior Court or the D.C. Court of Appeals from an outside counsel to its in-house General Counsel. In FY13 PERB hired a new paralegal to assist the General Counsel. In FY14, the General Counsel will continue to achieve the same high rate of success as in previous years, and will utilize the services of a newly hired paralegal. Moreover, in FY14 the General Counsel will engage in the ongoing exercise of helping the Agency to continuously evaluate the efficacy of available non-litigious remedies, including but not limited to;



mandatory mediation, labor relations and compliance training with interested stakeholders, and revisions and amendments to existing PERB rules, which may eventually allow for the alternative and satisfactory resolution of a greater amount of matters brought before PERB and reduce the amount of cases appealed. Additionally, the General Counsel will advise whether other appropriate remedies should be pursued to reduce back-end litigation. Completion date: September, 2014.

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 continues to take an active role in drafting and instituting amendments that will improve the agency's efficiency and delivery of services. Specifically, the Board is currently reviewing amendments in relation to closing loopholes in its e-service rules and in clarifying procedures and requirements for parties practicing before PERB. Amendments to the Board's rules will streamline the procedures and processing of cases before the Board and will aid in reducing its overall case load. Completion Date: September, 2014.



KEY PERFORMANCE INDICATORS - Adjudication

Measure	FY 2012 Actual	FY 2013 Target	FY 2013 YTD⁵	FY 2014 Projection	FY 2015 Projection	FY 2016 Projection
Percent of cases decided within 120 days of submission to the Board	21.26%	100%	8.93%	65%	75%	85%
Percent of decisions transmitted to the D.C. Register for publication within 60 days of issuance	100%	100%	100%	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	100%	100%	100%	100%	100%	100%
Percent of cases upheld by D.C. Superior Court upon appeal	100%	100%	NA	100%	100%	100%
Percent of cases upheld by the D.C. Court of Appeals upon appeal	100%	100%	NA	100%	100%	100%

⁵ Data is current as of June 30, 2013.