



# Public Employee Relations Board (PERB) FY2016 Performance Accountability Report (PAR)

## **Introduction**

The Performance Accountability Report (PAR) measures each agency's performance for the fiscal year against the agency's performance plan and includes major accomplishments, updates on initiatives' progress and key performance indicators (KPIs).

## **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.

## **Summary of Services**

PERB determines appropriate compensation and non-compensation bargaining units. PERB also 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.

## Overview – Agency Performance

The following section provides a summary of PERB performance in FY 2016 by listing PERB’s top accomplishments, and a summary of its progress achieving its initiatives and progress on key performance indicators.

### Top Agency Accomplishments

Accomplishment	Impact on Agency	Impact on Residents
2nd Tuesday’s at PERB	Participants attending the training are properly informed and prepared for pending and future cases. This also led to more closed cases and improved Labor-management relations in the district governments.	The agency was able to effectively educate district employees on various PERB initiatives. The training of District employees led to an increase in settled and withdrawn cases. In 2015 PERB had 39 cases settled or withdrawn. That number increased to 71 in 2016. This saved DC residents money in litigating cases.
Reduction of the PERB backlog of cases filed pre-2010 when PERB had no quorum.	The reduction allowed PERB to focus more on current cases where the need for PERB decisions is more relevant and urgent.	The reduction saved residents money in assisting agencies and unions in resolving old disputes.
Record number of settlements through mediation and settlement program	Settlements allowed PERB staff to focus on issues and cases that matter to the agencies and unions.	Settling cases saved the residents in tax dollars spent in litigating cases.

In FY 2016, PERB had 9 Key Performance Indicators. Of those, 1 were neutral. Of the remaining measures, 78% (7 KPIs) were met, 0% (0 KPIs) were nearly met, and 11% (1 KPIs) were unmet. In FY 2016, PERB had 8 Initiatives. Of those, 88% (7) were completed and 0% (0) were nearly completed, and 12% (1) were not completed. The next sections provide greater detail on the specific metrics and initiatives for PERB in FY 2016.

## FY16 Objectives

Division	Objective
Agency Management	Efficiently resolve labor management disputes between District agencies and labor organizations.
Agency Management	Maintain and/or increase the number of matters that are settled through mandatory mediation program.
Agency Management	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.
Agency Management	Apply final rulemaking of PERB's revised rules.
Agency Management	Assist District government agencies and unions representing District government employees enhanced skills needed for successful and productive labor/management relations

## FY16 KPIs

Objective: Assist District government agencies and unions representing District government employees enhanced skills needed for successful and productive labor/management relations

Measure	Target	Freq	Q1	Q2	Q3	Q4	Total	KPI Status	KPI Barriers
Number of Agency workshops held	8	A					8	Met	
Opportunity for training and outreach	8	Q	2	3	2	1	8	Met	
Hold training sessions	8	Q	2	3	3		8	Met	
Agency workshops	2	Q	1	0	0		1	Neutral Measure	

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

Measure	Target	Freq	Q1	Q2	Q3	Q4	Total	KPI Status	KPI Barriers
Hearing Examiners Settlement Program	50	A					88.9	Met	
Closure rate of cases	100	A					100	Met	

Objective: 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.

Measure	Target	Freq	Q1	Q2	Q3	Q4	Total	KPI Status	KPI Barriers
Superior Court cases resolved in favor of PERB	75	A					77.8	Met	Affirming PERB: 3; Withdrawn: 2; Dismissed: 2. Based on our records we are at 77% of our goal.
Cases affirmed by Court of Appeals	75	A					100	Met	

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

Measure	Target	Freq	Q1	Q2	Q3	Q4	Total	KPI Status	KPI Barriers
Resolve rate of In-house mediation	30	A					19.4	Unmet	Settlement in mediation is the responsibility of the parties involved. PERB is only the facilitator and has no control over the outcome.

# FY16 Workload Measures

Measure	Freq	Q1	Q2	Q3	Q4	Total
Success rate COA	A				2	2
Success rate in SupCt	A				7	7
Number of resolved cases	Q		21			21

## FY16 Initiatives

**Title: Reduce the backlog of cases caused by the lack of a Board quorum from June 2009**

**Description:** In FY'16, PERB will prioritize cases older than June 2009 for resolution and closure. Completion Date: September 2016

**Complete to Date:** Complete

**Status Update:** The backlog has been completely eliminated. There were in total twenty (20) cases closed

**Title: Decrease the number of active cases maintained in paper files by prioritizing**

**Description:** In FY'16, PERB will determine which of the active cases maintained in paper files are unlikely to be settled or withdrawn. Scanning those cases and uploading them into electronic case management systems will be a priority over scanning and uploading other cases. Completion Date: September 2016.

**Complete to Date:** Complete

**Status Update:** We no longer use paper files. We have uploaded everything electronically

**Title: Identify appropriate cases for mandatory mediation.**

**Description:** In FY'16, PERB will continue to offer parties the opportunity to reach a settlement before moving forward to a hearing. Staff will evaluate each newly filed case to determine those that are appropriate for mandatory mediation. Completion Date: September 2016

**Complete to Date:** Complete

**Status Update:** We have sent all ULP and SOC cases to mediation

**Title: Identify appropriate groupings of backlogged cases for the Hearing Examiner Settlement Program (HESPRO).**

**Description:** In FY'16, PERB will continue to use Hearing Examiners to mediate the older cases with the expectation of avoiding the necessity of sending the cases to hearing. Completion Date: September 2016.

**Complete to Date:** Complete

**Status Update:** We have identified and assigned all back logged cases to the Hearing Examiner Settlement Program. There was a total of eighteen (18) cases sent to the program. We were able to settle sixteen (16) cases

**Title: PERB will utilize outside counsel to maintain the same high rate of success in appeals before the D.C. Superior Court or the D.C. Court of Appeals.**

**Description:** In FY'16, PERB will retain outside counsel to handle cases on appeal to the D.C. Superior Court and the D.C. Court of Appeals.

**Complete to Date:** Complete

**Status Update:** We have successfully utilized the services of outside Counsel to assist with the cases. Out of twelve (12) cases, ten (10) cases were either affirmed, dismissed or withdrawn

**Title: Implement PERB's adoption of its rules.**

**Description:** The Board revised its rules and conducted the last procedures of final rule making in FY '15. The revised rules will become effective FY '16. Revisions were made to clarify agency procedures and give the public a greater understanding and easier access to the PERB process. In order to effectively

implement PERB's adoption of its rules, PERB will educate the public through notification on its website and direct notification to parties with pending cases before PERB. Completion Date: September 2016

**Complete to Date:** Complete

**Status Update:** We have updated all of the rules and provided a copy to all of the Board Members as well as members of the public

**Title: Establish the PERB Institute for Labor Relations**

**Description:** In FY'16, PERB will offer classes with an in-depth analysis of labor cases and PERB law. Completion Date: September 2016

**Complete to Date:** Complete

**Status Update:** We developed the PERB Institute in FY '16. Union Representatives were able to participate in the initiative over the course of a year by attending workshops covering various labor topics. Participants received certificates at the end of the program. We also held a special training at the MPD for interested employees

**Title: Provide labor relations workshops for specific agency groups**

**Description:** In FY'16, PERB will offer workshops to the specific agencies and its managers, supervisors and union representatives as a collective to give parties the opportunity to work together. Completion Date: September 2016

**Complete to Date:** 0-24%

**Status Update:** There was difficulty coordinating schedules and staging these work shops. Parties expressed greater interest in having separate training.

**If Incomplete, Explanation:** We provided one special training for the MPD. However we were not able to expand the program to all other agencies. This is due to agency employee turnover.