

# LABOR AND EMPLOYMENT LAW SECTION



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May 1, 1997

**Council Member Kathy Patterson  
Chair, Committee on Government Operations  
1350 Pennsylvania Avenue, NW  
Room 111  
Washington, DC 20004**

**Dear Council Member Patterson:**

We write on behalf of the District of Columbia Bar's Labor and Employment Law Section<sup>1</sup> to express our concern that the D.C. Public Employee Relations Board (PERB) promptly receive enough funding for the balance of Fiscal Year 1997 to allow it to carry out its important functions. The Labor and Employment Law Section is comprised of attorneys who represent employers, labor organizations and employees.

As we understand it, PERB's budget for FY 1997 is approximately \$315,000 -- down from \$470,000 in FY 1996 and \$510,000 in FY 1995. At the \$315,000 level, PERB is expected to support three (3) full-time employees; pay hearing examiners to conduct hearings; pay outside attorneys to represent PERB in court upon appeal of PERB decisions and/or to enforce PERB decisions; and pay for rent, supplies, equipment and court reporters. The FY 1997 budget level was set in part based upon a proposed merger of PERB with the Office of Employee Appeals--which merger has not taken place. As we understand it, one (1) of PERB's three (3) staff

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<sup>1</sup> The views expressed in this letter represents only those of the Labor and Employment Law Section of the District of Columbia Bar and not those of the D.C. Bar or its Board of Governors.

Council Member Kathy Patterson

May 1, 1997

Page 2

members, i.e., the Administrative Officer, has actually been detailed to the Office of the Chief Financial Officer. Thus, PERB no longer has the benefit of the services of its Administrative Officer but still carries that position against its budget.

PERB's Board members -- by statute to be "experienced in labor relations" and "possessing the integrity and impartiality necessary to protect the public interest and the interests of the District of Columbia government and its employees"-- are appointed by the Mayor with the advice and consent of the City Council. By statute, PERB includes one member chosen from persons whose names are proposed by labor organizations; one from names proposed by agency heads and three neutral members who are "public" members -- one of whom is Chairman. PERB's members are presently working without per diem, expense reimbursement or any other compensation.


The Executive Director of PERB has stated that, unless approximately \$108,000 can be reprogrammed or otherwise made available for the rest of FY 1997, PERB will have to furlough its employees for up to 90 days during the balance of the fiscal year, and/or will not be able to hold hearings in contested cases, and will have to defer payment of its FY 1997 obligations into FY 1998. We are aware that PERB already has not been able to schedule hearings on some contested matters which are important to the Employer, Labor Organizations and the District's employees.


The Labor-Management Relations sections of the Comprehensive Merit Personnel Act recognize that "an effective collective bargaining process is in the general public interest and will improve the morale of public employees and the quality of service to the public." D.C. Code Sec. 1-618.1(a). PERB is the entity charged by law with ensuring that the labor-management system can function. As the above-quoted policy section of the CMPA recognizes, the consequences of PERB being -- and becoming increasingly more -- so seriously hampered in carrying out its mission are likely to reverberate throughout the City.

Council Member Kathy Patterson  
May 1, 1997  
Page 3

We urge you promptly to take whatever steps are necessary to make funds available so that PERB can carry out its very important mission. Thank you.

Sincerely,

  
David Cashdan  
Co-Chair

  
Mary Ellen Signorille  
Co-Chair

cc: Julio Castillo, PERB Executive Director  
David Wilmot, Chair, PERB  
Jerry Anker, PERB Member  
Jennifer Smith, PERB Member  
Leroy Jenkins, PERB Member  
Daniel Rezneck, Esq.