**TO**: All Councilmembers

**FROM**: Councilmember Elissa Silverman,

Chairperson, Committee on Labor and Workforce Development

**DATE**: November XX, 2018

**SUBJECT**: PR22-1049 - Public Employee Relations Board Douglas Warshof Confirmation Resolution of 2018

The Committee on Labor and Workforce Development, to which PR22-1049, the “Public Employee Relations Board Douglas Warshof Confirmation Resolution of 2018” was referred, reports favorable and recommends passage by the Council of the District of Columbia

**CONTENTS**

[II. LEGISLATIVE CHRONOLOGY 2](#_Toc530137905)

[III. POSITION OF THE EXECUTIVE 2](#_Toc530137906)

[IV. ADVISORY NEIGHBORHOOD COMMISSION 2](#_Toc530137907)

[V. SUMMARY OF TESTIMONY 2](#_Toc530137908)

[VI. IMPACT ON EXISTING LAW 2](#_Toc530137909)

[VII. FISCAL IMPACT STATEMENT 2](#_Toc530137910)

[VIII. SECTION BY SECTION ANALYSIS 2](#_Toc530137911)

[IX. COMMITTEE ACTION 3](#_Toc530137912)

[X. ATTACHMENTS 3](#_Toc530137913)

**I. BACKGROUND AND NEED**

On September 17, 2018, Chairman Phil Mendelson, at the request of the Mayor, introduced “PR22-1049, “Public Employee Relations Board Douglas Warshof Confirmation Resolution of 2018,” which would confirm the appointment Douglas Warshof to the Public Employee Relations Board (PERB). Mr. Warshof currently serves on PERB; his term began in 2016.

PERB is a quasi-judicial, independent board charged with resolving labor disputes between the District government and District government employees. In addition to these adjudicatory duties, PERB, at the request of the Council, began offering labor relations training to District agency managers and labor union representatives in FY 2015.

Mr. Warshof has an extensive career and background in labor relations, including work with the National Labor Relations Board and as a management representative in employee relations at the Library of Congress, from where he retired in 2014. During his tenure with the Library of Congress, he served as chief labor negotiator for the Library and handled numerous labor relations and employee-related matters. He also has taught labor law at the University of Maryland.

**COMMITTEE RECOMMENDATION:**

The Committee recommends the confirmation of Mr. Warshof. His previous experience as a public member of the Public Employee Relations Board (PERB) as well as his background as a management-side labor and employment lawyer for the federal government shows that he has substantial and specialized experience in labor relations and personnel matters that qualify him for the position.

# **II. LEGISLATIVE CHRONOLOGY**

October 15, 2018 PR22-1049 introduced by Chairman Phil Mendelson at the request of the Mayor

October 26, 2018 Notice of intent to act on PR22-1049 published in the *D.C. Register*

November 9, 2018 Notice of public hearing on PR22-1049 published in the *D.C. Register*

November 13, 2018 Referred to Committee on Labor and Workforce Development

November 19, 2018 Public hearing on PR22-1049

November 26, 2018 Consideration and vote on PR22-1049

# **III. POSITION OF THE EXECUTIVE**

Douglas Warshof is the Executive’s nominee.

# **IV. ADVISORY NEIGHBORHOOD COMMISSION**

The Committee did not receive comments from any Advisory Neighborhood Commission.

# **V. SUMMARY OF TESTIMONY**

Mr. Warshof gave his testimony in support of confirming his reappointment to the Public Employee Relations Board (PERB). In his testimony, he outlined his extensive experience in labor relations and personnel law as well as his reasons for wanting to remain as a public member of the PERB.

Councilmember Silverman asked Mr. Warshof to explain his experience in more detail and how that experience related to his role as a member on the PERB. Mr. Warshof explained that he enjoys his work at the PERB as well as the collegiality among its members. For him, the work is rewarding and it allows him to take his many decades of experience and “give back” to the public by serving as a member. Mr. Warshof also lauded the improvements made in addressing the backlog of cases at the PERB since beginning his time as a PERB member. Now, there are only 32 cases pending. He also noted the importance of training sessions that the PERB conducts for unions. He believes its in the best interest of both sides to be educated on the labor laws. Mr. Warshof values these trainings highly, as he has also taught graduate students Employee Relations at the University of Maryland. Through both his teaching experience and his work experience, he’s seen the value in working collaboratively with both the management and union sides. His goal, if confirmed, is to continue to fully consider the positions of both parties and make sure that all points in the parties’ briefs are fully considered before rendering decisions.

# **VI. IMPACT ON EXISTING LAW**

PR22-1049 does not amend existing law.

# **VII. FISCAL IMPACT STATEMENT**

There are no expenditures in conjunction with this legislation.

# **VIII. SECTION BY SECTION ANALYSIS**

Section 1 contains the long and short titles of the legislation.

Section 2 confirms the appointment of Douglas Warshof to the Public Employee Relations Board

Section 3 provides, upon resolution adoption, for transmittal to the nominee and the Office of the Mayor.

Section 4 provides that the resolution shall take effect immediately.

# **IX. COMMITTEE ACTION**

On [DATE], the Committee met to consider PR22-1049, the “Public Employee Relations Board Douglas Warshof Confirmation Resolution of 2018.” The meeting was called to order at \_\_:\_\_ a. m./p.m., and PR 22-1049 was item XX-I on the agenda. After ascertaining a quorum (Chairperson Silverman and Councilmembers Cheh, McDuffie, R. White, and T. White present; Councilmember \_\_\_\_\_\_ absent), Chairperson Silverman moved the print with leave for staff to make technical and conforming changes. After an opportunity for discussion, the vote on the print was unanimous (Chairperson Silverman and Councilmembers \_\_\_ present; Councilmember \_\_\_\_\_\_ absent).

The Chairperson then moved the report with leave for staff to make technical, conforming, and editorial changes. After an opportunity for discussion, the vote on the report was unanimous (Chairperson Silverman and Councilmembers Cheh, McDuffie, R. White, and T. White present; Councilmember \_\_\_\_\_\_ absent). The meeting adjourned at \_\_:\_\_ a.m./p. m.

# **X. ATTACHMENTS**

1. PR22-1049 as introduced.
2. Notice of hearing November 9, 2018.
3. Pre-hearing questionnaire received November 13, 2018.
4. Witness list and agenda for hearing November 19, 2018.
5. Written Testimony from hearing on November 19, 2018.
6. Legal Sufficiency Determination for PR22-1049.
7. Committee Print for PR22-1049.