

## **Minutes**

### **D.C. OFFICE OF EMPLOYEE APPEALS (OEA) BOARD MEETING**

Thursday, January 19, 2023

Location: Virtual Meeting Via Webex

**Persons Present:** Lasheka Brown (OEA General Counsel), Sheila Barfield (OEA Executive Director), Sommer Murphy (OEA Deputy General Counsel), Clarence Labor, Jr. (OEA Board Chair), Jelani Freeman (OEA Board Member), Peter Rosenstein (OEA Board Member), Dionna Maria Lewis (OEA Board Member), Wynter Clarke (OEA Paralegal), Employee 2 (Member of the Public), Employee 3 (Member of the Public), and Robert Pearson (Member of the Public).

**Call to Order** – Clarence Labor, Jr. called the meeting to order at 9:08 a.m.

- I. Ascertainment of Quorum** – There was a quorum of Board members present for the office to conduct business.
- II. Adoption of Agenda** – Peter Rosenstein moved to adopt the agenda. The agenda was adopted by the Board.
- III. Minutes from Previous Meeting** – The November 17, 2022, meeting minutes were reviewed. There were no corrections. The minutes were accepted.
- IV. New Business**
  - A. Summary**— Clarence Labor provided that a summary of the matters to be decided were provided in the agenda for this meeting. The summaries were posted to the OEA website, the Board of Ethics and Government Accountability’s website, and printed and posted in OEA’s front office. The matters to be decided are as follows:
    1. Employee v. D.C. Public Schools, OEA Matter No. 1601-0024-22
    2. Employee v. D.C. Fire and Emergency Medical Services Department, OEA Matter No. 1601-0046-21
    3. Employee v. D.C. Fire and Emergency Medical Services Department, OEA Matter No. 1601-0040-21
  - B. Public Comments on Petitions for Review** – There were no public comments offered.
  - C. Deliberations** – Dionna Maria Lewis moved that the meeting be closed for deliberations in accordance with D.C. Code § 2-575(b)(13). Peter Rosenstein seconded the motion. All Board members voted in favor of closing the meeting. Clarence Labor, Jr. stated that the meeting was closed for deliberations.
  - D. Open Portion of Meeting Resumed**
  - E. Final Votes** – Clarence Labor Jr. provided that the Board considered all of the matters. The following represents the final votes for each case:

**1. Employee v. D.C. Public Schools, OEA Matter No. 1601-0024-22**

<b>MEMBER</b>	<b>GRANTED</b>	<b>REVERSED</b>	<b>DENIED</b>	<b>REMANDED</b>	<b>DISMISSED</b>
Clarence Labor, Jr.			X		
Jelani Freeman			X		
Peter Rosenstein			X		
Dionna Lewis			X		

Four Board Members voted in favor of denying Employee’s Petition for Review. Therefore, the petition was denied.

**2. Employee v. D.C. Fire and Emergency Medical Services Department, OEA Matter No. 1601-0046-21**

<b>MEMBER</b>	<b>GRANTED</b>	<b>REVERSED</b>	<b>DENIED</b>	<b>REMANDED</b>	<b>DISMISSED</b>
Clarence Labor, Jr.		X	X		
Jelani Freeman		X	X		
Peter Rosenstein		X	X		
Dionna Lewis		X	X		

Four Board Members voted in favor of denying Agency’s Petition for Review and reversing the 720-duty hour suspension. Agency was, therefore, ordered to reimburse Employee for all back pay and benefits lost as a result of the suspension action.

**3. Employee v. D.C. Fire and Emergency Medical Services Department, OEA Matter No. 1601-0040-21**

<b>MEMBER</b>	<b>GRANTED</b>	<b>REVERSED</b>	<b>DENIED</b>	<b>REMANDED</b>	<b>DISMISSED</b>
Clarence Labor, Jr.		X	X		
Jelani Freeman		X	X		
Peter Rosenstein		X	X		
Dionna Lewis		X	X		

Four Board Members voted in favor of denying Agency’s Petition for Review and reversing Agency’s termination action. Agency was, therefore, ordered to reimburse Employee for all back pay and benefits lost as a result of the termination.

**F. Public Comments**

1. There were no public comments offered.

- V. Adjournment** – Peter Rosenstein moved that the meeting be adjourned. Dionna seconded the motion. All members voted affirmatively to adjourn the meeting. Clarence Labor, Jr. adjourned the meeting at 9:33 a.m.

**Respectfully Submitted,  
Wynter Clarke  
Paralegal Specialist**