

Minutes

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

Thursday, April 13, 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 1 (Member of the Public), Amy Heidman (Member of the Public), Sarah Banks (Member of the Public), Rachel Rodriguez (Member of the Public), Employee 2 (Member of the Public), and Anthony Scerbo (Member of the Public).

Call to Order – Clarence Labor, Jr. called the meeting to order at 9:03 a.m.

- I. Ascertainment of Quorum** – There was a quorum of Board members present for the office to conduct business.
- II. Adoption of Agenda** – Jelani Freeman moved to adopt the agenda. The agenda was adopted by the Board.
- III. Minutes from Previous Meeting** – The March 2, 2023, 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. Department of Insurance, Securities, and Banking, OEA Matter No. 1601-0047-20
2. Employee v. Office of the Attorney General, OEA Matter No. J-0054-22

B. Public Comments on Petitions for Review

1. Amy Heidman spoke on behalf of Felicia Dantzler, Employee's Union Representative, in the matter of *Employee v. D.C. Department of Insurance, Securities, and Banking*, OEA Matter No. 1601-0047-20. She provided that Agency violated the Collective Bargaining Agreement, the D.C. Personnel Manual, and the Whistleblower Protection Act. She also explained that the Agency's Hearing Officer failed to meet the statutory deadline to submit his written report and recommendation to the Deciding Official.
2. Rachel Rodriguez spoke on behalf of the Employee on the matter of *Employee v. D.C. Department of Insurance, Securities, and Banking*, OEA Matter No. 1601-0047-20. She explained that there is no substantial evidence that Employee provided confidential information in her role or in any context that required confidentiality. She also provided that removal should not have occurred for a first offense.
3. The employee in *Employee v. D.C. Department of Insurance, Securities, and Banking*, OEA Matter No. 1601-0047-20 provided that she was wrongfully terminated. She stated that the Agency violated her Collective Bargaining Agreement rights. The employee also provided that she has endured extreme stress because of this matter.
4. The employee in *Employee v. Office of the Attorney General*, OEA Matter No. J-0054-22 requested that her petition be reconsidered because she had cancer and was under the care of

her physician due to chemotherapy treatment. Additionally, she explained that she suffered from depression and anxiety, as the result of her illness and work-related trauma.

C. Deliberations – Dionna Maria Lewis moved that the meeting be closed for deliberations in accordance with D.C. Code § 2-575(b)(13). 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 both matters. The following represents the final votes for each case:

1. Employee v. D.C. Department of Insurance, Securities, and Banking, OEA Matter No. 1601-0047-20

MEMBER	GRANTED	REVERSED	DENIED	REMANDED	DISMISSED
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. Office of the Attorney General, OEA Matter No. J-0054-22

MEMBER	GRANTED	REVERSED	DENIED	REMANDED	DISMISSED
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.

F. Public Comments

1. There were no public comments offered.

V. Adjournment – Jelani Freeman moved that the meeting be adjourned. All members voted affirmatively to adjourn the meeting. Clarence Labor, Jr. adjourned the meeting at 9:44 a.m.

**Respectfully Submitted,
Wynter Clarke
Paralegal Specialist**