

## **Minutes**

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

Tuesday, December 17, 2013

Location: Suite 380E

1100 4<sup>th</sup> Street, SW

Washington, DC 20024

**Persons Present:** Lasheka Brown (OEA General Counsel), Sheila Barfield (OEA Executive Director), India Gray (OEA Paralegal), William (Bill) Persina (OEA Board Chair), Sheree Price (OEA Board Vice Chair), A. Gilbert Douglass (OEA Board Member), and Vera Abbott (OEA Board Member).

- I. Call to Order** – Bill Persina called the meeting to order at 11:10 a.m.
- II. Ascertainment of Quorum** - There was a quorum of Board members present for the office to conduct business.
- III. Adoption of Agenda** – Sheree Price moved to adopt the Agenda. Vera Abbott seconded the motion. The Agenda was adopted by the Board.
- IV. Minutes from Previous Meeting** – The October 29, 2013 meeting minutes were reviewed. There were no corrections. The minutes were accepted.
- V. Old Business**
  - A. Vera Abbott’s Appointment** – Ms. Mikelle Devillier was scheduled to swear in Vera Abbott for her six-year term on the Board. However, Ms. Devillier was under the weather and unable to attend the meeting. Ms. Abbott scheduled a date and time to be sworn in at the Office of Boards and Commissions.
  - B. Filling Vacant Board Position** – Ms. Mikelle Devillier was scheduled to offer a report of the status of the Board vacant position. However, Ms. Devillier was under the weather and unable to attend the meeting.
- VI. New Business**
  - A. Public Comments** – No members of the public were present.
  - B. Summary of Cases** – Bill Persina read the following summaries of each case to be decided by the Board:
    - 1. Linda DuBuclet v. D.C. Public Schools** – Employee was separated from her position as a Special Education Teacher pursuant to a reduction-in-force. She filed a Petition for Appeal with OEA on December 2, 2009. The Administrative Judge ruled to uphold Agency’s action against Employee.

Employee filed a Petition for Review with the OEA Board on August 9, 2012. She argued that the Initial Decision was based on an erroneous interpretation of statute, regulation, or policy; the AJ's findings were not based on substantial evidence; and the Initial Decision did not address all issues of law and fact raised in the appeal.

2. **Betty Thames v. D.C. Public Schools** – Employee was separated from her position as a Business Manager pursuant to a reduction-in-force. She filed a Petition for Appeal with OEA on November 13, 2009. The Administrative Judge ruled to uphold Agency's action against Employee. Following the issuance of the Initial Decision, Employee filed a brief on August 24, 2012. The brief serves as Employee's Petition for Review. She asserted that the Principal's statements in the Competitive Level Documentation Form were untruthful.
3. **Charles Alexander v. D.C. Public Schools** – Employee was separated from his position as an ET-15 Social Studies Teacher pursuant to a reduction-in-force. He filed a Petition for Appeal with OEA on December 2, 2009. The Administrative Judge ruled to uphold Agency's action against Employee. Employee filed a Petition for Review with the OEA Board on July 16, 2012. He argued that the Initial Decision did not address material issues of fact or law raised on appeal.

C. **Motion to Expedite** – The Board reviewed and considered the following Motion to Expedite:

1. **Ilbay Ozbay v. Department of Transportation** – In this matter, Agency filed a Petition for Review of an Amended Initial Decision on Remand on July 3, 2013. Employee motioned to expedite the Board's review of this case because he has been without pay for more than five years. As a result, he argues that he has suffered substantial consequences, and he has been unable to find alternative employment. Additionally, he contends that Agency's Petition for Review was based on an argument that was not preserved before the Administrative Judge.

D. **Deliberations** - After the summaries were provided, Vera Abbott moved that the meeting be closed for deliberations. Sheree Price seconded the motion. All Board members voted in favor of closing the meeting. Bill Persina stated that in accordance with D.C. Official Code § 2-575(b)(13), the meeting was closed for deliberations.

E. **Open Portion of Meeting Resumed**

F. **Final Votes** –Bill Persina provided that the Board considered all of the matters. The following represents the final votes for each case:

**1. Linda DuBuclet v. D.C. Public Schools**

<b>MEMBER</b>	<b>GRANTED</b>	<b>DENIED</b>	<b>REMANDED</b>	<b>DEFERRED</b>
Bill Persina		X		
Sheree Price		X		
Vera Abbott		X		
A. Gilbert Douglass		X		

All Board Members voted in favor of denying Employee’s Petition for Review.

**2. Betty Thames v. D.C. Public Schools**

<b>MEMBER</b>	<b>GRANTED</b>	<b>DENIED</b>	<b>REMANDED</b>	<b>DEFERRED</b>
Bill Persina	X			
Sheree Price	X			
Vera Abbott	X			
A. Gilbert Douglass	X			

All Board Members voted in favor of granting Employee’s Petition for Review and remanding the matter to the Administrative Judge to determine if there was substantial evidence to support the CLDF and to address Employee’s salary claims.

**3. Charles Alexander v. D.C. Public Schools**

<b>MEMBER</b>	<b>GRANTED</b>	<b>DENIED</b>	<b>REMANDED</b>	<b>DEFERRED</b>
Bill Persina	X			
Sheree Price	X			
Vera Abbott	X			
A. Gilbert Douglass	X			

All Board Members voted in favor of granting Employee’s Petition for Review and remanding the matter to the Administrative Judge to consider Employee’s claims regarding the principal’s protection of certain teachers from the RIF action and to determine if the CLDF was based on substantial evidence.

**4. Motion to Expedite: Ilbay Ozbay v. Department of Transportation**

<b>MEMBER</b>	<b>GRANTED</b>	<b>DENIED</b>	<b>REMANDED</b>	<b>DEFERRED</b>
Bill Persina		X		
Sheree Price		X		
Vera Abbott		X		
A. Gilbert Douglass	X			

A quorum of Board Members voted in favor of denying Employee’s Motion to Expedite.

**G. Public Comments** – There were no members of the public present.

**VII. Adjournment** – Sheree Price moved that the meeting be adjourned; Vera Abbott seconded the motion. All members voted affirmatively to adjourn the meeting. Bill Persina adjourned the meeting at 1:00p.m.

**Respectfully Submitted,**

**India Gray  
OEA Paralegal**