

# Agenda

## D.C. OFFICE OF EMPLOYEE APPEALS BOARD MEETING

Tuesday, October 29, 2013

Location: OEA Hearing Room

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

Suite 620E

Washington, DC 20024

### I. Call to Order

### II. Ascertainment of Quorum

### III. Adoption of Agenda

### IV. Minutes Reviewed from Previous Meeting

### V. Old Business

#### A. Vera Abbott's Appointment

#### B. Filling Vacant Board Position

### VI. New Business

#### A. Report of Fiscal Year 2013

#### B. Public Comments

#### C. Summary of Cases

**1. Emma Johnson v. D.C. Public Schools** - Employee was separated from her position as a Science Teacher pursuant to a reduction-in-force. She filed a Petition for Appeal with OEA on November 30, 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. She argued that the Initial Decision was based on an erroneous interpretation of statute, regulation, and case law; did not address her issues; and denied her procedural due process rights.

**2. Belinda Bryant v. D.C. Public Schools** - Employee was separated from her position as a Teacher pursuant to a reduction-in-force. She filed a Petition for Appeal with OEA on December 2, 2009. The Administrative Judge upheld Agency's action but ordered it to reimburse Employee twelve days pay and benefits because it failed to prove that Employee timely received the RIF notice. Agency filed a Petition for Review with the OEA Board on July 17, 2012. It argued that proper notice was given because Employee received the notice via hand delivery on October 2, 2009 and a courtesy copy via FedEx® on October 6, 2009.

3. **Robert Willis v. D.C. Public Schools** - Employee was separated from his position as a Science Teacher pursuant to a reduction-in-force. He filed a Petition for Appeal with OEA on December 1, 2009. The Administrative Judge ruled to uphold Agency's action against Employee. Employee filed a Petition for Review with the OEA Board on July 19, 2012. He argued that the Initial Decision was based on an erroneous interpretation of statute, regulation, and case law; did not address his issues; and denied him procedural due process rights.
4. **Cynthia Miller-Carrette v. D.C. Public Schools** - Employee was terminated from her position as a Teacher due to her performance ratings of "Minimally Effective" under Agency's IMPACT performance assessment system. She filed a Petition for Appeal with OEA on August 15, 2011. The Administrative Judge ruled that Agency failed to defend its action and reversed its decision to terminate Employee. Agency filed a Petition for Review with the OEA Board on October 4, 2013. It argued that extenuating circumstances caused a delay in defending its action.
5. **Karen Falls v. D.C. Department of General Services** - Employee was removed from her position as a Lead Protective Services Officer for neglect of duty, insubordination, incompetence, and malfeasance. She filed a Petition for Appeal with OEA on December 27, 2011. Agency motioned for the appeal to be dismissed, arguing that OEA lacked jurisdiction over Employee's claims of workplace discrimination and retaliation. The Administrative Judge denied the motion. Agency filed a Motion for Certification of Interlocutory Appeal and Request for Stay with the OEA Board. Agency requested that the OEA Board consider whether the Administrative Judge's denial of its motion was erroneous because it was contrary to D.C. case law and statute.

**D. Deliberations** – This portion of the meeting will be closed to the public for deliberations in accordance with D.C. Official Code § 2-575(b)(13).

**E. Open Portion Resumes**

**F. Final Votes on Cases**

**G. Public Comments**

**VII. Adjournment**