

Minutes

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

Thursday, September 7, 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), Natiya Curtis (Member of the Public), Richard Glaze (Member of the Public), Kimberly Brown (Member of the Public), and Employee 3 (Member of the Public).

Call to Order – Clarence Labor, Jr. called the meeting to order at 9:02 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 July 13, 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 Public Works, OEA Matter No. 1601-0058-22
2. Employee v. D.C. University of the District of Columbia, OEA Matter No. 1601-0043-22
3. Employee v. Department of Corrections, OEA Matter No. 1601-0034-22

B. Public Comments on Petitions for Review

1. The employee in *Employee v. Department of Corrections*, OEA Matter No. 1601-0034-22 provided that the Initial Decision should be upheld. She stated that she was a victim of sexual harassment and verbal abuse. Additionally, the employee explained that she had endured extreme stress because of this matter.

C. Deliberations– Jelani Freeman 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 all of the matters. The following represents the final votes for each case:

1. **Employee v. Department of Public Works, OEA Matter No. 1601-0058-22**

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.

2. Employee v. University of the District of Columbia, OEA Matter No. 1601-0043-22

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.

3. Employee v. Department of Corrections, OEA Matter No. 1601-0034-22

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

Four Board members voted in favor of granting Agency’s Petition for Review in part and denying it in part. Therefore, this matter was remanded to the Administrative Judge for further proceedings.

F. Public Comments

1. The employee in *Employee v. Department of Corrections*, OEA Matter No. 1601-0034-22 asked which portion of the decision was remanded. The General Counsel informed her that a written decision would be mailed to her explaining why the matter was remanded.

- 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 9:28 a.m.

Respectfully Submitted,
Wynter Clarke
Paralegal Specialist