

Notice: This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any errors so that they may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

**Government of the District of Columbia  
Public Employee Relations Board**

In the Matter of:	)	
	)	
Service Employees International Union	)	
Local 500,	)	
	)	PERB Case No. 16-CU-04
Petitioner,	)	
	)	Opinion No. 1599
and	)	
	)	
University of the District of Columbia	)	
	)	
Respondent.	)	
	)	

**DECISION AND ORDER ON COMPENSATION UNIT DETERMINATION**

On April 30, 2014, the D.C. Public Employee Relations Board, in Opinion No. 1464, certified the Service Employees International Union (“SEIU”) as the exclusive representative for the following unit within the University of the District of Columbia (“UDC”):

**INCLUDED:**

All part-time faculty paid by the course, employed by the University of the District of Columbia other than through the Law School.

**EXCLUDED:**

All other employees, including all employees in positions within other collectively-bargained bargaining units, including all full-time faculty; all employees of the Law School including adjunct faculty of the law school; visiting faculty, full-time employees, graduate students, lab assistants, graduate assistants, teaching associates, clinical fellows, teaching fellows, teaching assistants, research assistants, librarians, registrars, volunteers and degree seeking students of the University including those with adjunct appointments, administrators and other employees whose primary position is not teaching but may have teaching responsibilities and may be classified by the University as adjuncts when they teach, office clerical

employees, guards and security personnel, managerial and supervisory employees.<sup>1</sup>

On September 21, 2016, SEIU and UDC (collectively “Petitioners”) filed a Joint Petition for Compensation Unit Determination (“Petition”), in which Petitioners requested that PERB create a new compensation unit for a bargaining unit in UDC that is represented by SEIU.<sup>2</sup> On September 23, 2016, PERB issued a Notice to UDC with instructions to post the Notice “conspicuously on the bulletin boards at the University of the District of Columbia where notices to employees are customarily posted.” PERB further instructed that the notices “are to be posted no later than September 30, 2016, and must remain posted for a period of fourteen (14) consecutive days.” The Notice solicited comments concerning the establishment of a new compensation unit for the employees covered by SEIU. Any labor organizations that wished to intervene in the matter must do so in accordance with PERB’s Rules within fourteen (14) days after the Notice was posted.<sup>3</sup> No comments or intervention petitions having been received, the Petition is now before the Board for disposition.

The Board authorizes compensation units pursuant to D.C. Official Code § 1-617.16(b), which provides:

In determining an appropriate bargaining unit for negotiations concerning compensation, the Board shall authorize broad units of occupation groups so as to minimize the number of different pay systems or schemes. The Board may authorize bargaining by multiple employers or employee groups as may be appropriate.

The compensation unit proposed by Petitioners is as follows:

All part-time faculty paid by the course, employed by the University of the District of Columbia other than through the Law School.

**EXCLUDED:**

All other employees, including all employees in positions within other collectively-bargained bargaining units, including all full-time faculty; all employees of the Law School including adjunct faculty of the law school; visiting faculty, full-time employees, graduate students, lab assistants, graduate assistants, teaching associates, clinical fellows, teaching fellows, teaching assistants, research assistants, librarians, registrars, volunteers

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<sup>1</sup> *Service Emps. Int’l Union, Local 500 and UDC*, Slip Op. No. 1464, PERB Case No. 13-RC-06 (2014).

<sup>2</sup> Labor organizations are initially certified by the Board under the Comprehensive Merit Personnel Act (“CMPA”) to represent units of employees that have been determined to be appropriate for the purpose of a non-compensation terms-and-conditions bargaining. Once this determination is made, upon request, the Board then determines the compensation unit in which the employees should be placed. The determination of a terms-and-conditions unit is governed by criteria set forth under D.C. Official Code § 1-617.09. Unit placement for purposes of authorizing collective bargaining over compensation is governed by D.C. Official Code § 1-617.16(b).

and degree seeking students of the University including those with adjunct appointments, administrators and other employees whose primary position is not teaching but may have teaching responsibilities and may be classified by the University as adjuncts when they teach, office clerical employees, guards and security personnel, managerial and supervisory employees.<sup>4</sup>

Petitioners contend that the part-time adjunct faculty workforce is appointed and compensated differently than other employees within UDC. Petitioners believe that a new compensation unit is necessary because of these differences.<sup>5</sup> In accordance with Petitioners' request, and because no individuals or labor organizations filed any comments or intervention petitions to challenge the proposed compensation unit, the Board finds that a separate compensation unit is appropriate.<sup>6</sup> Accordingly, the Board grants Petitioners' Joint Petition for a separate compensation unit consisting of:

All part-time faculty paid by the course, employed by the University of the District of Columbia.

**EXCLUDED:**

All other employees, including all employees in positions within other collective bargaining units, including all full-time faculty; all employees of the David A. Clarke School of Law including adjunct faculty and part-time faculty paid by the course; visiting faculty, full-time employees, graduate students, lab assistants, graduate assistants, teaching associates, clinical fellows, teaching fellows, teaching assistants, research assistants, librarians, registrars, volunteers and degree seeking students of the University including those with adjunct appointments, administrators and other employees whose primary position is not teaching but may have teaching responsibilities and may be classified by the University as adjuncts when they teach, office clerical employees, guards and security personnel, managerial and supervisory employees and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

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<sup>4</sup> Petition at 2-3.

<sup>5</sup> Letter at 1.

<sup>6</sup> See *Am. Fed'n of Gov't Emp., Local 1403 and Pub. Serv. Comm'n of the Dist. Of Columbia*, 52 D.C. Reg. 1600, Slip Op. No. 772, PERB Case No. 04-CU-05 (2005) (finding that when special circumstances make it impractical to place a bargaining unit into an existing broad compensation unit, the creation of a separate compensation unit for the employee is appropriate).

**ORDER**

IT IS HEREBY ORDERED THAT:

1. The Petitioners' Joint Petition for Compensation Unit Determination is granted.
2. The unit of all part-time employees that was found to be appropriate for terms and conditions bargaining in *Service Emps. Int'l Union, Local 500 and UDC*, Slip. Op. 1464, PERB Case No. 13-RC-06 (2014), is also authorized as a separate unit for the purpose of negotiations concerning compensation, as follows:

Compensation Unit No. 36:

All part-time faculty paid by the course, employed by the University of the District of Columbia.

**EXCLUDED:**

All other employees, including all employees in positions within other collective bargaining units, including all full-time faculty; all employees of the David A. Clarke School of Law including adjunct faculty and part-time faculty paid by the course; visiting faculty, full-time employees, graduate students, lab assistants, graduate assistants, teaching associates, clinical fellows, teaching fellows, teaching assistants, research assistants, librarians, registrars, volunteers and degree seeking students of the University including those with adjunct appointments, administrators and other employees whose primary position is not teaching but may have teaching responsibilities and may be classified by the University as adjuncts when they teach, office clerical employees, guards and security personnel, managerial and supervisory employees and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

3. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

**BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD**

By unanimous vote of Board Chairperson Charles Murphy, and Members Yvonne Dixon, Ann Hoffman and Douglas Warshof. Member Barbara Somson was not present.

October 20, 2016

Washington, D.C.

**Government of the District of Columbia  
Public Employee Relations Board**

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and	)	
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University of the District of Columbia	)	
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	)	
Respondent.	)	
_____	)	

**AUTHORIZATION**

Pursuant to D.C. Official Code §§ 1-605.02 and 1-617.16, the Public Employee Relations Board has determined that all part-time employees that were found to be appropriate for terms and conditions bargaining in *Service Emps. Int'l Union, Local 500 and UDC*, Slip. Op. 1464, PERB Case No. 13-RC-06 (2014), shall constitute a unit for the purpose of compensation bargaining, as follows:

**COMPENSATION UNIT No. 36:**

All part-time faculty paid by the course, employed by the University of the District of Columbia.

**EXCLUDED:**

All other employees, including all employees in positions within other collective bargaining units, including all full-time faculty; all employees of the David A. Clarke School of Law including adjunct faculty and part-time faculty paid by the course; visiting faculty, full-time employees, graduate students, lab assistants, graduate assistants, teaching associates, clinical fellows, teaching fellows, teaching assistants, research assistants, librarians, registrars, volunteers and degree seeking students of the University including those with adjunct appointments, administrators and other employees whose primary position is not teaching but may have teaching responsibilities and may be classified by the University as

adjuncts when they teach, office clerical employees, guards and security personnel, managerial and supervisory employees and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

**BY AUTHORITY OF THE PUBLIC EMPLOYEE RELATIONS BOARD**

**Washington, D.C.**

October 20, 2016



Clarene Phyllis Martin  
Executive Director

## CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 16-CU-04, Op. No. 1599 was sent by File and ServeXpress to the following parties on this the 31 day of October, 2016.

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/s/ Sheryl Harrington

PERB