

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:)
)
Government of the District of Columbia)
)
)
and) PERB Case No. 03-UM-01
)
) Opinion No. 1329
)
American Federation of State, County)
and Municipal Employees, Local 2087,)
)
)
Petitioners.)

DECISION

I. Statement of the Case:

In this matter the Public Employee Relations Board ("Board") issued an order that granted the parties' "Joint Petition for a Compensation Unit Modification," noting that a decision would follow. *Gov't of the D.C. and Am. Fed'n of State, County and Mun. Employees, Local 2087*, Slip Op. No. 774, PERB Case No. 03-UM-01 (Feb. 4, 2005). The Board's decision and the reasons therefor are as follows.

An investigatory hearing was held on February 19, 2004, before a hearing examiner for the purpose of taking testimony and other evidence to assist in making proposed recommendations concerning the disposition of the Joint Petition for Unit Modification filed by the parties. The hearing examiner was duly appointed to hear this case, to receive evidence, and to provide a report to the Board pursuant to Board Rule 504.6.

The Petitioners in this proceeding are, the Government of the District of Columbia, represented by the office of Labor Relations and Collective Bargaining (OLRCB), the University of the District of Columbia (UDC), and the American Federation of State, County and Municipal Employees (AFSCME) District Council 20 and Local 2087. The parties to this proceeding jointly petitioned to consolidate Compensation Unit 1 and Compensation Unit 15. All interested persons, including the exclusive representatives of the employees in both compensation units were duly provided with the appropriate notices by PERB of the filing of the Petition.

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The Hearing in this matter was conducted at the Board's Offices and accorded the parties through their counsel the opportunity to present oral and written evidence, to examine witnesses and other proffered evidence, and to offer objections. Opening statements were received by both parties and recorded in the transcript provided by the Board. On June 9, 2004, post hearing briefs were forwarded to the hearing examiner.

The facts in this matter are largely undisputed. AFSCME Council 20 represents employees in both Compensation Units 1 and 15, which are described below:

Compensation Unit No. 1:

Consisting of all career service professional, technical, administrative, and clerical employees who currently have their compensation set in accordance with the District Service Schedule (DS); who come within the personnel authority of the Mayor of the District of Columbia, the Board of Trustees of the University of the District of Columbia, the District of Columbia General Hospital Commission, the District of Columbia Board of Library Trustees and the District of Columbia Armory Board, except physicians at D.C. General Hospital, all Registered Nurses and all licensed Practical Nurses and all Licensed Practical Nurses; and who are currently represented by labor organizations certified as exclusive bargaining agents by the PERB or its predecessor. (PERB Case No. 80-R-08, Opinion No. 5).

Compensation Unit No. 15:

Consisting of all non-faculty employees who come within the personnel authority of the Board of Trustees of the University of the District of Columbia; who are classified as educational employees; and who currently are represented by a labor organization certified as the exclusive bargaining agent for non-compensation bargaining by the PERB or its predecessor. (PERB Case No. 80-R-08, Opinion No. 5).

The parties claim that over the past several years the compensation agreements that were negotiated for the employees covered in the above-described units and the wage agreements were similar for both compensation units even though they were negotiated separately. According to uncontroverted testimony received at the hearing, there are 83 employees in compensation Unit 15. These non-faculty employees, who are represented by AFSCME Local 2087, consist primarily of librarians and library technicians. (Tr. 8). The Petitioners agree that historically there have been significant differences between the pension and other benefits of these two compensation units. For example, Mr. Ernest Jolly, vice-president of UDC, testified that employees in the educational services participate in the TIAA-CREEF retirement plan that is generally available for UDC employees, whereas the Compensation Unit 1 employees are covered by a "4018 type plan." (Tr. 10, 4-5). In addition, there was testimony that differences exist with respect to the bereavement benefit employees receive and the holiday schedule. Notwithstanding, Mr. Jolly noted that administrative closings by UDC followed the discretion of the Mayor, despite the University being an independent personnel authority. In any event, according to Vice-President Jolly, administrative closings are not a contractual issue. (Tr. 11-12).

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The parties noted that UDC has participated in compensation negotiations alongside other personnel authorities in Compensation 1 and 2 agreements for the past two bargaining cycles. In fact, as noted in the description of Compensation Unit 1, UDC security guards are included as part of this unit, as a result of a separate unit modification proceeding in *Government of the District of Columbia and All Unions Representing Employees in Compensation Unit 1 and Compensation Unit 14*, 38 D.C. Reg. 7607, Slip Op. No. 268, PERB Case No. 90-R-02 (1991).

The reasons for the proposed consolidation of Units 1 and 15, according to the parties' post-hearing brief as well as the testimony at the hearing are as follows: 1) the City has a mandate to reduce the number of pay schedules or systems; 2) the same Union (Local 2087) represents both DS employees in Compensation Unit 1 and 15; 3) the similarity of bargaining patterns over pay and benefits over the past two agreements; and 4) the current Compensation agreement between the District Government and the Unions representing employees in Compensation Units 1 and 2 anticipated the inclusion of the non-educational personnel at UDC—currently Compensation Unit 14—to be consistent with the statutory purposes of promoting efficient bargaining and avoiding the unnecessary proliferation of compensation units. Such action is consistent with PERB's rulings herein cited.

Therefore, the Joint Petition for a Compensation Unit Modification is granted and Compensation Units 1 and 15 are consolidated.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD
Washington, D.C.

September 24, 2012

CERTIFICATE OF SERVICE

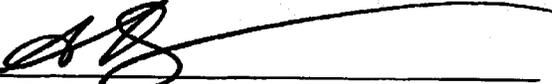
This is to certify that the attached Decision in PERB Case No. 03-UM-01 was served via U.S. Mail to the following parties on this the 24th day of September 2012:

Jonathan O'Neill, Esq.
Office of Labor Relations and Collective Bargaining
441 Fourth St. NW, suite 820N
Washington, DC 20001

Craig W. Parker, Esq.
Office of the General Counsel
University of District of Columbia
4200 Connecticut Avenue, N.W.
Building 39, Suite 301-Q
Washington, D.C. 20008

Walter Jones, President
AFSCME, Local 2087
University of the District of Columbia
P.O. Box 4863
Washington, D.C. 20008

George T. Johnson, Executive Director
AFSCME, District Council 20
1724 Kalorama Rd. NW, suite 200
Washington, DC 20009



Adessa Barker
Administrative Assistant