

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:

**American Federation of State, County, and
Municipal Employees, District Council 20,
Local 2401, AFL-CIO**)
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)
 Petitioner,)
)
 and)
)
Public Service Commission)
of the District of Columbia)
)
 Respondent.)
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**PERB Case No. 16-CU-02
Opinion No. 1569**

DECISION AND ORDER ON COMPENSATION UNIT DETERMINATION

On December 21, 2015, the American Federation of State, County, and Municipal Employees, District Council 20, Local 2401 (“AFSCME”) and the Public Service Commission (“PSC”) (collectively “Petitioners”) filed a Joint Petition with the Board for Compensation Unit Determination (“Petition”) to designate Compensation Unit 1 as the appropriate compensation unit for a bargaining unit in PSC that is represented by AFSCME.¹ Pursuant to Board Rule 503.4, PSC posted the required notice for fourteen (14) consecutive days. No comments to the notice were received by the Board.

¹ 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 non-compensation terms-and-conditions bargaining. Once this determination is made, upon request, the Board then determines the compensation unit in which these employees should be placed. The determination of a terms-and-conditions unit is governed by criteria set forth under D.C. Code § 1-617.09. Unit placement for purposes of authorizing collective bargaining over compensation is governed by D.C. Code § 1-617.16(b).

AFSCME is the certified exclusive bargaining representative for:

All professional and non-professional employees employed by the District of Columbia Public Service Commission, excluding all management officials, supervisors, confidential employees, employees who are covered by another union's certification, employees engaged in personnel work other than in a purely clerical capacity and employees engaged in administering the provisions of Title I, Chapter 6, subchapter XVII of the D.C. Official Code.²

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 occupational 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 Board recognizes a two-part test from this provision to determine an appropriate compensation unit: (1) the employees of the proposed unit comprise broad occupational groups; and (2) the proposed unit minimizes the number of different pay systems or schemes.³

According to Petitioners, the proposed group of employees consists of a broad range of occupational groups, including Regulatory Affairs Specialist; Paralegal Specialist; Compliance Enforcement Officer; Pipeline Safety Engineer; Economist; Financial Analyst; Senior Accountant; IT Specialist; Program Analyst; and Consumer Specialist. Petitioners assert that the position classifications fall within the broad occupational groups found in Compensation Unit 1.⁴ The Board finds that the Petitioners have satisfied the first statutory requirement that the proposed group of employees consists of a broad range of occupational groups.

Petitioners further assert that all of the employees are Career Service employees and on the District Service pay, retirement, and compensation system⁵ and that the placement of the employees in Compensation Unit 1 does not increase the number of different pay systems or schemes.⁶ The Board finds that the placement of the employees in Compensation Unit 1 would minimize the number of different pay systems or schemes in the District, and that the Petitioners have satisfied the second statutory requirement.

² Petition at 1. PERB Case No. 14-RC-01, Certification No. 157 (June 4, 2014)

³ *AFSCME, D.C. Council 20, Local 2401 v. D.C. Pub. Schs.*, 59 D.C. Reg. 4954, Slip Op. No. 962 at p. 3, PERB Case No. 08-CU-01 (2009).

⁴ Petition at 2.

⁵ Petition at 3.

⁶ Petition at 3.

For the foregoing reasons, the Board grants the Joint Petition for Compensation Unit Determination and places the above-referenced bargaining unit in Compensation Unit 1.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Petitioners' "Joint Petition for Compensation Unit Determination" is granted.
2. The following employees are placed in Compensation Unit 1:
All professional and non-professional employees employed by the District of Columbia Public Service Commission, excluding all management officials, supervisors, confidential employees, employees who are covered by another union's certification, employees engaged in personnel work other than in a purely clerical capacity and employees engaged in administering the provisions of Title I, Chapter 6, subchapter XVII of the D.C. Official Code.
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 Chairman Charles Murphy, Member Yvonne Dixon, Member Ann Hoffman, and Member Keith Washington. .

Washington, D.C.

March 17, 2016

CORRECTED CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 16-CU-02, Opinion No. 1569, was served by File & ServXpress on the following parties on this the 17th day of March, 2016.

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PERB