

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**

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In the Matter of:)	
)	
Alliance of Independent Workers)	
Labor Organization,)	
)	PERB Case No. 14-CU-01
and)	
)	Opinion No. 1455
District of Columbia Office of the)	
Chief Medical Examiner,)	
)	
Petitioners.)	
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DECISION AND ORDER ON COMPENSATION UNIT DETERMINATION

On October 29, 2013, the Alliance of Independent Workers Labor Organization (“AIWLO”) and the District of Columbia Office of the Chief Medical Examiner (“OCME”) (collectively “Petitioners”) filed a Joint Petition for Compensation Unit Determination (“Petition”) with the Board to designate Compensation Unit 1¹ as the appropriate compensation unit for a bargaining unit in OCME that is represented by AIWLO. On November 11, 2013, a deficiency letter was sent to the Petitioners. On November 27, 2013, the Petitioners filed a Supplement to Joint Petition for Compensation Unit Determination, curing the deficiencies. Pursuant to Board Rule 503.4, OCME posted the required notice for fifteen (15) 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, the Board then determines the compensation unit in which these employees should be placed. Unlike the determination of a terms-and-conditions unit, which is governed by criteria set forth under D.C. Code § 1-617.09, unit placement for purpose of authorizing collective bargaining over compensation is governed by D.C. Code § 1-617.16(b).

AIWLO is the certified exclusive bargaining representative for:

All nonprofessional employees employed by the District of Columbia Office of the Chief Medical Examiner, excluding maintenance mechanics, all management officials, supervisors, confidential employees, or any employees engaged in work in other than a purely clerical capacity, and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 21139.

PERB Case No. 10-RC-03, Certification No. 153 (September 2, 2011).

The Board authorizes compensation units pursuant to D.C. 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. *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).

According to Petitioners, the proposed group of employees consists of a broad range of occupational groups, including Program Analyst, Support Services Specialist; Lead Records Management Specialist; Records Management Specialist; Staff Assistant; Intake Assistant; Autopsy Assistant (Mortuary); IT Specialist (Customer Support); and Medical Transcriptionist. (Amended Petition at 2); thus, satisfying the first part of the aforesaid test.

Petitioners further assert that all of the employees are Career Service employees and on the District Service pay, retirement, and compensation system. Placement of the employees in Compensation Unit 1 does not increase the number of different pay systems or schemes; therefore, satisfying part two of the aforementioned test..

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' "Amended Joint Petition for Compensation Unit Determination" is granted.
2. The following employees are placed in Compensation Unit 1: All nonprofessional employees employed by the District of Columbia Office of the Chief Medical Examiner, excluding maintenance mechanics, all management officials, supervisors, confidential employees, or any employees engaged in work in other than a purely clerical capacity, and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 21139.
3. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

Washington, D.C.

February 25, 2014

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 14-CU-01 was transmitted to the following Parties on the 25th of February, 2014.

J.C. Stamps, Executive Director
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