

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD**

¹ Pursuant to Board Rule 504.4, DGS posted a notice of the Petition for fourteen (14) consecutive days.

supervisors, confidential employees, employees engaged in personnel 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 2-139.²

On January 9, 2026, AFGE filed a Petition for Compensation Unit Determination.³ On January 20, 2026, DGS filed its Response to the original filing and included a Motion to Remand to Cure Deficiency (Motion to Remand). On February 4, 2026, The Executive Director denied the Motion to Cure Deficiency as unsupported.⁴ The Executive Director issued a Notice to DGS for posting that advised interested parties of the proposed compensation unit description and provided a period to file comments with the Board.⁵

On February 9, 2026, DGS filed a Motion for Reconsideration of the Executive Director's denial of the Motion to Remand. On February 13, 2026, AFGE filed an Amended Petition for Compensation Unit Determination. On February 18, 2026, the Executive Director accepted the Amended Petition as responsive to the Motion for Reconsideration and denied the Motion for Reconsideration as moot.⁶

On February 19, 2026, DGS filed a Motion to Dismiss Amended Pleading for Failure to Request Leave and Motion for Reconsideration to be heard by Board. Therein, DGS asserted that Executive Director improperly decided the Motion for Reconsideration and improperly accepted the amended petition where AFGE failed to seek leave to amend. DGS sought a remand of the amended petition for noncompliance and a decision from the Board stating that it has exclusive jurisdiction to rule on motions under 500.7.⁷

On March 23, 2026, the Executive Director issued a second Notice to DGS for posting that advised interested parties of the proposed compensation unit description and provided a period to file comments with the Board. On March 31, 2026, DGS filed comments that asserted (1) the amended petition was improperly before the Board, (2) that the amended petition failed to identify the personnel authority, and (3) that the petition requested placement of the one working conditions unit into two compensation units.⁸ DGS sought a rejection and remand of the petition.⁹

On June 11, 2026, the Executive Director held an investigatory conference with AFGE and DGS to discuss the amended petition and comments. During the conference the parties agreed to further discussion and consented to a future amendment of the petition.

² *AFGE, Local 631 and DGS*, Certification No. 176, PERB Case No. 25-RC-01 (2025).

³ AFGE Petition for Compensation Unit Determination, January 9, 2026.

⁴ Executive Director Response Letter, February 4, 2026.

⁵ Notice Issued February 4, 2026, and Corrected Notice issued February 5, 2026.

⁶ Executive Director's Letter Denying Motion for Reconsideration and Accepting Amended Petition.

⁷ DGS Motion to Dismiss Amended Pleading at 3.

⁸ DGS Comments March 31, 2026.

⁹ DGS Comments March 31, 2026, at 4.

On July 30, 2026, AFGE filed its Second Amended Petition. On August 27, 2026, DGS timely filed comments that it had no objections to the Petition.

III. Discussion

The Petition is properly before the Board. In its March 31, 2026, comments DGS argued that the Petition was not properly before the Board because the Executive Director improperly accepted the amendment without a motion and dismissed the Motion for Reconsideration as moot.¹⁰

The Board reviews motions for reconsideration of the Executive Director's decision filed under Board Rule 500.7. DGS's Motion for Reconsideration did not seek to dismiss the instant case but rather sought interlocutory relief, such as a remand to cure deficiencies. Under Board Rule 556.1, interlocutory appeals are not permitted, and the Board considers objections from rulings of the Executive Director when it examines the full record. Here, the Executive Director's acceptance of the amended pleading as a response to the Motion for Reconsideration did not prejudice DGS.

Under Board Rule 502.8, an initial petition may be amended by motion after an answer is filed. In most cases, a motion is required to amend a petition. However, in this case the Executive Director accepted the amendment to the petition as a responsive pleading to the Motion for Reconsideration under Board Rule 555.2. As a responsive pleading, AFGE filed an amended petition that cured deficiencies identified by DGS. Thus, the Board finds that DGS' Motion for Reconsideration of the Executive Director's decision is moot and the arguments presented by DGS and the basis of the Executive Director's decision no longer present a live controversy. DGS has had the opportunity to present its views on procedure and the amended petitions. DGS has now stated that it has no objection to the Petition.¹¹

AFGE requests that the bargaining unit be placed in Compensation Unit 1 in keeping with previous compensation unit determinations under the same occupational codes of positions, pay plan and retirement system.¹²

Consistent with the language of D.C. Official Code § 1-617.16(b),¹³ the Board recognizes a two-part test to determine an appropriate compensation unit for purposes of negotiations: (1) whether the employees of the proposed unit comprise broad occupational groups; and (2) whether the proposed unit minimizes the number of different pay systems or schemes.¹⁴

Compensation Unit 1 is described as:

[A]ll career service, professional technical, administrative and clerical

¹⁰ DGS Comments March 31, 2026, at 1-2.

¹¹ DGS Comments

¹² Petition at 3.

¹³ D.C. Official Code § 1-617.16(b) states, "[i]n 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."

¹⁴ *AFSCME, District Council 20, Local 2401 and DCPS*, 59 D.C. Reg. 4954, Slip Op. No. 962 at 3, PERB Case No. 08-CU-01 (2009).

employees who currently have their compensation set in accordance with the District Service (DS) Schedule and 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, and the District of Columbia Board of Library Trustees, except physician [*sic*] employed by the Department of Human Services and the Department of Corrections and Registered Nurses employed by the Department of Human Services.¹⁵

The bargaining unit is comprised of employees in four different positions at DGS. The first statutory requirement that the employees consist of a broad range of occupational groups has been satisfied. Moreover, the Board finds that the placement of all bargaining unit employees into Compensation Unit 1 is appropriate to minimize the number of different pay systems or schemes in the District. Therefore, the second statutory requirement has been satisfied.

For the foregoing reasons, the Board grants the AFGE's Second Amended Petition for Compensation Unit Determination, placing the bargaining unit employees into Compensation Unit 1.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Second Amended Petition for Compensation Unit Determination is granted;
2. The following employees are placed in Compensation Unit 1:

Career Service employees in the Contract Specialist DS-12 position, Contract Specialist DS-13 position, Contract Specialist DS-14 position, and the Program Support Specialist DS-11 position within the Department of General Services- Contracts and Procurement Division; excluding all management officials, supervisors, confidential employees, employees engaged in personnel 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 2-139; and

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

¹⁵ Office of Labor Relations and Collective Bargaining, *OLRCB Compensation Units 1 and 2* (October 6, 2025, 9:44 PM), <https://olrcb.dc.gov/node/448232>.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By unanimous vote of the Board Chairperson Peter Winkler, Members Mary Anne Gibbons, Renee Bowser, and Lee Clark

Washington, D.C.

September 17, 2026

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 26-CU-01, Slip Op. No. 1971 was sent by File and ServeXpress to the following parties on this 28th day of September 2026.

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/s/ Royale Simms, Executive Director
Public Employee Relations Board

APPEAL RIGHTS

A final decision by the Board may be appealed to the District of Columbia Superior Court pursuant to D.C. Official Code §§ 1-605.2(12) and 1-617.13(c), which provides 30 days after a decision is issued to file an appeal.