

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:	)	
	)	
Compensation Unit 31 (American Federation of Government Employees, Locals 631, 872, and 2553; American Federation of State, County, and Municipal Employees, Local 2091; and National Association of Government Employees, Local R3-06),	)	PERB Case No. 16-N-02
	)	Opinion No. 1640
Appellant,	)	Motion for Reconsideration
	)	Motion to Reopen
and	)	<b>Corrected Copy</b>
	)	
District of Columbia Water and Sewer Authority,	)	
	)	
Respondent.	)	
	)	

**DECISION AND ORDER**

On June 9, 2017, the Board issued PERB Opinion No. 1624, that found nonnegotiable three of the proposals made during the party’s negotiation of a successor compensation agreement.

In response, on July 10, 2017, Comp. Unit 31 filed a document styled “Motion to Reopen to Correct an Error and Motion for Reconsideration of Decision No. 1624.” The motions claim that the Board, in considering one of the appealed proposals, Article 1, Section B, erroneously found “bonus percentage amounts” non-negotiable notwithstanding the Union’s clearly articulated position to exclude the percentage amounts from the negotiability appeal.

For the reasons set forth below the motions are denied.

Board Rule 559.2 states that a motion for reconsideration must be filed within 14 days after issuance of a Decision and Order unless specified otherwise. Herein, the initial decision was

issued on June 9, 2017, and the motion for reconsideration was filed July 10, 2017; more than 14 days outside the time period for filing such motions. Thus, the motion for reconsideration is untimely.

Notwithstanding the aforementioned, the Board notes that bonus amounts were not on appeal nor considered in its deliberations in arriving at its decision. Only those portions of Article 1, Section B submitted to the Board on appeal were found non-negotiable. Comp. Unit 31 excluded the bonus percentages from the Appeal. Therefore, no issue arose as to whether that portion of the proposal was within the scope of bargaining and there was no dispute for the Board to decide as to the negotiability of the percentages. That issue was never properly before the Board. There is no need to reopen this matter.

### **ORDER**

#### **IT IS HEREBY ORDERED THAT:**

1. The Motion to Reopen to Correct an Error is hereby Denied.
2. The Motion for Reconsideration is hereby Denied.
3. Pursuant to PERB Rule 559.3, this Decision and Order is Final upon issuance.

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

By unanimous vote of Board Members Douglas Warshof, Barbara Somson and Mary Anne Gibbons.

October 19, 2017

Washington, D.C.

**CERTIFICATE OF SERVICE**

This is to certify that the attached Decision and Order in PERB Case No. 16-N-02, Op. No. 1640 was transmitted to the following parties on this the 30<sup>th</sup> day of October, 2017.

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