

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 Government Employees, Local 383, AFL-CIO)	
)	
and)	PERB Case No. 18-CU-01
)	
Metropolitan District 1199 DC NUHHCE, AFSCME, AFL-CIO)	
)	
Petitioners)	
)	Opinion No. 1655
v)	
)	
Department of Behavioral Health)	
)	
Respondent)	
)	

DECISION AND ORDER ON COMPENSATION UNIT DETERMINATION

On October 29, 2015, the Board’s Decision and Order in Opinion No. 1464, certified the American Federation of Government Employees, Local 383 and the Metropolitan District 1119 DC NUHHCE, AFSCME (collectively “Petitioners”) as joint representatives for the following unit within the Department of Behavioral Health (“DBH”):

All non-professional, non-supervisory employees in the District of Columbia Department of Behavioral Health, excluding management executives, confidential employees, supervisors, non-professional employees of the Construction, Electrical, Mechanical, Preventive Maintenance, Garage and Fabric Care Sections, and any employees engaged in personnel work in other than a purely clerical capacity or employees engaged in administering the provisions of D.C. Law 2-139.¹

On January 26, 2018, the Petitioners filed a Petition for Compensation Unit Determination (“Petition”), in which the Petitioners requested that the Board declare the

¹ *Metro. Dist. 1199 DC, NUHHCE, AFSCME, AFL-CIO, Chapter 2095 v. DBH*, 62 D.C. Reg. 16501, Slip Op. No. 1550, PERB Case 15-AC-01(2015).

bargaining unit is part of Compensation Units 1 and 2. On January 26, 2018, the Board issued a Notice to DBH with instructions to post the Notice “conspicuously on the bulletin boards at the Department of Behavioral Health where notices to employees are customarily posted.” The Board further instructed that the notices “are to be posted no later than February 3, 2018, and must remain posted for a period of fourteen (14) consecutive days.” The Notice solicited comments concerning the inclusion of the bargaining unit into Compensation Units 1 and 2. It also stated that: “Within fourteen (14) days after the posting of this Notice, any affected labor organization or person may file written comments. An affected labor organization that wishes to intervene in these proceedings may submit a written request to the Executive Director of the Board.” No comments or intervention petitions having been received, the Petition is now before the Board for disposition.

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 occupation 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.²

The Petitioners contend that the bargaining unit is comprised of broad occupational groups. Within Compensation Units 1 and 2, there are numerous other employees of other governmental agencies who hold positions with the same or similar titles as those employees within the bargaining unit. These employees also perform comparable functions within their agencies.³ These employees with comparable occupational groups at numerous other agencies are part of Compensation Units 1 and 2.⁴

The Petitioners further assert that all of the employees are paid in the Career Service (CS)/District Service scales applicable to Compensation Units 1 and 2.⁵ All employees in the bargaining unit are now and have been historically covered by the same pay, benefits, and retirement systems applicable to all other members of Compensation Units 1 and 2.⁶ The Petitioners are not aware of any separate pay scales applicable to the employees in the bargaining unit other than Compensation Units 1 and 2.⁷

² *AFSCME, D.C. Council 20, Local 2401 v. D.C. Pub. Schs.*, D.C. Reg. 4954, Slip Op. No. 962 at p.3, PERB Case No. 08-CU-01 (2009).

³ Petition at 7.

⁴ Petition at 7.

⁵ Petition at 4.

⁶ Petition at 4.

⁷ Petition at 4.

For the foregoing reasons, the Board grants the Joint Petition for Compensation Unit Determination and places the above-referenced bargaining unit employees in Compensation Units 1 and 2.

ORDER

IT IS HEREBY ORDRED THAT:

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

All non-professional, non-supervisory employees in the District of Columbia Department of Behavioral Health, excluding management executives, confidential employees, supervisors, non-professional employees of the Construction, Electrical, Mechanical, Preventive Maintenance, Garage and Fabric Care Sections, and any employees engaged in personnel work in other than a purely clerical capacity or employees engaged in administering the provisions of D.C. Law 2-139.

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

BY ORDER OF THE PUBLIC EMPLOYEE REALTIONS BOARD

By unanimous vote of Board Chairperson Charles Murphy, Members Mary Anne Gibbons, Ann Hoffman, and Barbara Somson.

February 21, 2018

Washington, D.C.

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 18-CU-01, Op. No. 1655 was sent by File and ServeXpress to the following parties on this the 23rd day of February, 2018.

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