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

In the Matter of:)	
)	
)	
American Federation of Government Employees, Local 631)	
)	
Petitioner)	PERB Case No. 23-CU-01
)	
and)	Opinion No. 1836
)	
)	
D.C. Office of the State Superintendent of Education, Division of Student Transportation,)	
)	
)	
Respondent)	
)	

DECISION AND ORDER ON COMPENSATION UNIT DETERMINATION

I. Statement of the Case

On January 20, 2023, the American Federation of Government Employees, Local 631, (Petitioner), filed a Motion for Compensation Unit Determination (Petition), requesting the Board determine the appropriate compensation unit for a bargaining unit at the District of Columbia Office of the State Superintendent of Education, Division of Student Transportation (OSSE).¹

For the reasons stated herein, the Board grants the Petition, assigning all career service employees in the bargaining unit to Compensation Unit 1 and all wage grade employees in the bargaining unit to Compensation Unit 2.

II. Background

The Union is the certified, exclusive representative for a bargaining unit described as:

All employees in Fleet Maintenance Assistant and Fleet Maintenance Assistant (Operator) positions RW-5701 with the Office of the State Superintendent of Education, Division of Student Transportation, Fleet Maintenance, excluding

¹ Pursuant to Board Rule 504.4, OSSE posted a notice of the Petition for fourteen (14) consecutive days. The Board did not receive any comments regarding the notice.

managers, supervisors, confidential employees, or any employees engaged in personnel work other than in 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

The bargaining unit consists of employees whom the Board has not yet placed in a compensation unit.

III. Discussion

The Petitioner requests that the bargaining unit be placed in Compensation Units 1 and 2 in keeping with previous compensation unit determinations under the same occupational codes of positions, pay plan and retirement system. The parties have jointly stipulated that the position classifications fall within the broad occupational groups already included in Compensation Units 1 and 2.³

Consistent with the language of D.C. Official Code § 1-617.16(b),⁴ the Board recognizes a two-part test to determine an appropriate compensation unit for purposes of negotiations: (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.⁵

Compensation Unit 1 is described as:

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

Compensation Unit 2 is described as:

[A]ll career service trade and craft employees who currently have their compensation set in accordance with the Wage Grade (WG) Schedule, Printing Wage (PS) Schedule and the Task Force (TG) Schedule 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 and who are currently represented by

² *AFGE, Local 631 and DCPS*, 69 D.C. Reg. 13859, Slip Op. No. 1820 at 2, PERB Case 22-RC-01 (2022).

³ Consent Motion at 1.

⁴ 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.”

⁵ *AFSCME, District Council 20, Local 2401 v. DCPS*, 59 D.C. Reg. 4954, Slip Op. No. 962 at 3, PERB Case No. 08-CU-01 (2009).

labor organizations certified as exclusive bargaining agents for non-compensation bargaining by PERB or its predecessor.⁶

The bargaining unit is comprised of approximately eighteen (18) employees in two (2) different positions. The first statutory requirement that the employees consist of a broad range of occupational groups has been satisfied.

The Board has held that it is appropriate to assign employees of a single bargaining unit to different compensation units when employees are compensated in accordance with different pay systems.⁷ The career service positions in the bargaining unit share compensation schemes with Compensation Unit 1, and the wage grade positions in the bargaining unit share compensation schemes with Compensation Unit 2. The Board finds that placement of those employees into separate compensation units 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 Motion for Compensation Unit Determination, placing the career service employees into Compensation Unit 1 and the wage grade employees into Compensation Unit 2.

ORDER

IT IS HEREBY ORDERED THAT:

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

All career service employees in Fleet Maintenance Assistant and Fleet Maintenance Assistant (Operator) positions RW-5701 with the D.C. Office of the State Superintendent of Education, Division of Student Transportation, Fleet Maintenance, whose compensation is set in accordance with the District Service (DS) Schedule, excluding managers, supervisors, confidential employees, any employees engaged in personnel work in more 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.

3. The following employees are placed in Compensation Unit 2:

All employees in Fleet Maintenance Assistant and Fleet Maintenance Assistant (Operator) positions RW-5701 with the D.C. Office of the State

⁶ Office of Labor Relations and Collective Bargaining, *OLRCB Compensation Units 1 and 2* (April 13, 2023, 3:46 PM), <https://olrcb.dc.gov/node/448232>.

⁷ See *SEIU, Local 722 v. DHS/Home Services Bureau*, 48 D.C. Reg. 8493, Slip Op. No. 383, PERB Case No. 93-R-01 (1994).

Superintendent of Education, Division of Student Transportation, Fleet Maintenance, whose compensation is set in accordance with the Wage Grade (WG) Schedule, excluding managers, supervisors, confidential employees, any employees engaged in personnel work in more 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.

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

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

[By vote of]

April 20, 2023
Washington, D.C