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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-02
)	
and)	Opinion No. 1834
)	
Department of Energy and Environment, Urban Sustainability Administration)	
)	
Respondent)	
)	

DECISION AND ORDER ON COMPENSATION UNIT DETERMINATION

I. Statement of Case

On March 16, 2023, the Board issued Slip Opinion No. 1831 and Certification No. 172, certifying the American Federation of Government Employees, Local 631 (AFGE, Local 631) as the exclusive representative for an appropriate bargaining unit at the Department of Energy and Environment, Urban Sustainability Administration (DOEE).¹

AFGE, Local 631 filed a Petition for Compensation Unit Determination (Petition) pursuant to Board Rule 504 and D.C. Official Code § 1-617.16(b),² and the parties jointly stipulated to the placement of the new bargaining unit in Compensation Units 1 and 2.³ The Petition is now before the Board.

For the reasons stated below, the Board grants the Petition.

¹ *AFGE, Local 631 and DOEE*, Slip Op. No. 1831, PERB Case No. 23-RC-01 (2023). This matter was initially designated as PERB Case No. 23-RC-01. After the bargaining unit was certified, this matter was relabeled as PERB Case No. 23-CU-02 for the purposes of compensation unit determination.

² *AFGE, Local 631* filed the Petition on December 12, 2022.

³ The parties submitted their Joint Stipulation at the February 3, 2023, pre-hearing conference in PERB Case No. 23-RC-01. The Hearing Examiner issued his Report and Recommendations (Report) on the pleadings, recommending that the Board certify the proposed unit, and finding that the new unit should be placed in Compensation Units 1 and 2. Report at 7.

II. Background

AFGE, Local 631 is the certified, exclusive representative for a bargaining unit described as:

Employees in the Staff Assistant DS-9 position; the Program Analyst DS-11 position; the Program Analyst DS-12 position; and the Program Analyst DS-13 position with the Department of Energy and Environment, Urban Sustainability Administration.⁴

The bargaining unit contains employees who have not yet been placed in a compensation unit by the Board. Consistent with the language of D.C. Official Code § 1-617.16(b),⁵ the Board applies 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.⁶

The parties have jointly stipulated that the position classifications fall within the broad occupational groups already included in Compensation Units 1 and 2.⁷ 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

⁴ Certification No. 172.

⁵ D.C. Official Code § 1-617.16(b) states that “[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.”

⁶ *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).

⁷ See Joint Stipulation at 3.

labor organizations certified as exclusive bargaining agents for non-compensation bargaining by PERB or its predecessor.⁸

The Board finds that the first statutory requirement that the employees consist of a broad range of occupational groups has been met.

Regarding the second statutory requirement, the parties have jointly stipulated that the approximately twenty (20) employees included in the bargaining unit are all in the Career Service, DS pay plan, and are all in the District's 401(a) and 457(b) retirement system for employees in the District's DS pay plan.⁹ Thus, the Board finds that placing the employees in Compensation Units 1 and 2 would minimize the number of different pay systems or schemes in the District and that the second statutory requirement has been met.

For the foregoing reasons, the Board finds that AFGE, Local 631 has met the statutory requirements for its Petition. Therefore, the Board grants the Petition for Compensation Unit Determination and places the above-referenced bargaining unit in Compensation Units 1 and 2.

ORDER

IT IS HEREBY ORDERED THAT:

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

Employees in the Staff Assistant DS-9 position; the Program Analyst DS-11 position; the Program Analyst DS-12 position; and the Program Analyst DS-13 position with the Department of Energy and Environment, Urban Sustainability Administration.

3. 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 Board Chairperson Douglas Warshof and Members Renee Bowser, Mary Anne Gibbons, and Peter Winkler.

April 20, 2023

Washington, D.C.

⁸ 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>.

⁹ Report at 3; Joint Stipulation at 2.