

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 State, County and Municipal Employees, District Council 20)	
)	
and)	PERB Case No. 15-CU-03
)	
Office of Administrative Hearings)	Opinion No. 1520
)	
Petitioners)	
)	

DECISION AND ORDER ON COMPENSATION UNIT DETERMINATION

On March 2, 2015, the American Federation of State, County and Municipal Employees, District Council 20 (“AFSCME”) and the Office of Administrative Hearings (“OAH”) (collectively “Petitioners”) filed a Joint Petition for Compensation Unit Determination (“Petition”) with the Board to designate Compensation Unit 1¹ as the appropriate compensation unit for a bargaining unit in OAH that is represented by AFSCME. Pursuant to Board Rule 503.4, OAH posted the required notice for fifteen (15) consecutive days. No comments to the Notice were received by the Board.

¹ Labor organizations are initially certified by the Board under the Comprehensive Merit Personnel Act (“CMPA”) to represent units of employees that have been determined to be appropriate for the purpose of non-compensation terms-and-conditions bargaining. Once this determination is made, the Board then determines the compensation unit in which these employees should be placed. Unlike the determination of a terms-and-conditions unit, which is governed by criteria set forth under D.C. Official Code § 1-617.09, unit placement for purpose of authorizing collective bargaining over compensation is governed by D.C. Official Code § 1-617.16(b).

AFSCME is the certified exclusive bargaining representative for:

All non-professional employees employed by the District of Columbia Office of Administrative Hearings, excluding all management officials, supervisors, confidential employees, employees who are covered by another union's certification, 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.

PERB Case No. 14-RC-02, Certification No. 159 (August 21, 2014).

The Board authorizes compensation units pursuant to D.C. Official Code § 1-617.16(b), which provides:

In determining appropriate bargaining units 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.

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

According to Petitioners, the proposed group of employees consists of a broad range of occupational groups, including Customer Service Coordinator, Legal Administrative Specialists (Court Clerks), Legal Administrative Specialist, Legal Assistants, Legal Assistants (Court) and Paralegal Specialists; thus, satisfying the first requirement of the aforementioned test.

Petitioners further assert that all of the employees are Career Service employees and on the District Service pay, retirement, and compensation system. Placement of the employees in Compensation Unit 1 does not increase the number of different pay systems or schemes; thus, satisfying the second requirement of the aforementioned test.

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

² *AFSCME, D.C. Council 20, Local 2401 v. D.C. Pub. Schs.*, 59 D.C. Reg. 4954, Slip Op. No. 962 at p. 3, PERB Case No. 08-CU-01 (2009).

ORDER

IT IS HEREBY ORDERED THAT:

1. The Petitioners' "Amended Joint Petition for Compensation Unit Determination" is granted.
2. The following employees are placed in Compensation Unit 1:
All non-professional employees employed by the District of Columbia Office of Administrative Hearings, excluding all management officials, supervisors, confidential employees, employees who are covered by another union's certification, 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.
3. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By unanimous vote of Board Chairperson Charles Murphy, Member Ann Hoffman, Member Keith Washington and Member Donald Wasserman. Member Yvonne Dixon was not present.

Washington, D.C.

April 23, 2015

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 15-CU-03 was served to the following parties on this the 28th day of April 2015:

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