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GOVERNMENT OF THE DISTRICT OF COLUMBIA  
PUBLIC EMPLOYEE RELATIONS BOARD

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In the Matter of:	)	
	)	
International Association of Fire	)	
Fighters, Local 36,	)	PERB Case No. 97-N-01
	)	Opinion No. 515
Petitioner,	)	
	)	
and	)	
	)	
District of Columbia	)	(MOTION FOR
Fire and Emergency Medical	)	RECONSIDERATION)
Services Department,	)	
	)	
Respondent.	)	

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DECISION AND ORDER ON NEGOTIABILITY APPEAL

The Board's Decision and Order on the Petitioner's Negotiability Appeal, Opinion No. 505, was issued on January 15, 1997.<sup>1/</sup> On January 30, 1997, Respondent filed the instant "Motion for Reconsideration." Petitioner filed a response opposing the Motion. The underlying facts of this case remain undisputed and are set forth in Opinion No. 505. We held that a proposal, to the extent it established compensation for overtime hours of work, was negotiable.

The Respondent states that it does not take issue with the Board's determination that proposals that determine "remuneration or compensation per hour for a basic workweek, i.e., non-overtime work week" or "the rate of pay for hours that exceed that number", are negotiable. Slip Op. at 4. The Respondent requests that the Board reconsider this Negotiability Appeal and the Respondent's arguments with respect to the negotiability of establishing the number of hours in the basic workweek for these employees. The Respondent states that the Petitioner's proposal was declared nonnegotiable to the extent it established the number of hours in the basic workweek.

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<sup>1/</sup> Member Jenkins did not participate in the discussion or decision on the Decision and Order (Slip Opinion Nos. 505) or the instant Motion for Reconsideration.

Decision and Order on  
Motion for Reconsideration  
PERB Case No. 97-N-01  
Page 2

The subject(s) of a negotiability appeal, and the context in which its negotiability is appealed is determined by the petitioner, not the party declaring the matter nonnegotiable. IAFF contended that the proposal established when an employee is entitled to overtime pay, i.e., compensation for hours worked during a work week that exceed the basic hours of work. Notwithstanding the Respondent's attempt, both in the Appeal and now, to frame the proposal as establishing basic hours of work, we addressed the proposal in the context as presented by the Petitioner.

Specifically, we held that: "IAFF's proposal, insofar as it establishes the hours for which overtime will be paid, is within the scope of collective bargaining and therefore is negotiable." Our Decision does not ignore the Respondent's authority to establish basic hours of work for employees, rather, the Respondent's authority was simply not the issue of negotiability presented by the Petitioner's Appeal. In this regard, the Respondent's authority to establish basic non-overtime hours of work is not affected by our holding. However, once established, we determined that compensation for overtime hours is negotiable.

The Board, having considered the Motion and response thereto, hereby denies the Motion for Reconsideration of Opinion No. 505.

ORDER

IT IS HEREBY ORDERED THAT:

The Respondent's Motion for Reconsideration is denied.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD  
Washington, D.C.

April 14, 1997

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 97-N-01 was faxed and/or mailed (U.S. Mail) to the following parties on this the 14th day of April, 1997.

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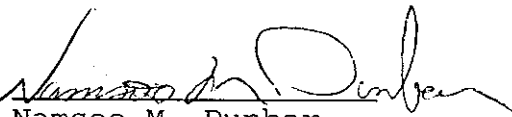
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