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**Government of the District of Columbia
Public Employee Relations Board**

In the Matter of:)	
)	
National Association of Government Employees, Local R3-07)	
)	PERB Case No. 13-CU-03
and)	Opinion No. 1447
)	
District of Columbia Office of Unified Communications,)	
)	
Petitioners.)	

DECISION AND ORDER ON COMPENSATION UNIT DETERMINATION

On June 11, 2013, the National Association of Government Employees, Local R3-07 (“Local R3-07”) and the District of Columbia Office of Unified Communications (“OUC”) (collectively “Petitioners”) jointly petitioned the Board to designate Compensation Unit 1¹ as the appropriate compensation unit for a bargaining unit in OUC that is represented by Local R3-07. The Petitioners filed an amended joint petition correcting a certification number in the petition and subsequently filed a second amended joint petition (“Joint Petition”) curing deficiencies that the Executive Director had called to the Petitioners’ attention.

The bargaining unit in question originated from the consolidation of bargaining units of employees of the Metropolitan Police Department and employees of the Fire and Emergency Medical Services Department who had been transferred to OUC. In *District of Columbia Office of Unified Communications and National Association of Government Employees/SEIU*, 59 D.C. Reg. 2990, Slip Op. No. 786, PERB Case No. 05-UM-01 (2005), the Board recognized the consolidated bargaining unit, assigned it to Compensation Unit 1, and ordered an election to determine the bargaining unit representative. Following the election, the Board certified the National Association of Government Employees/SEIU, Local R3-05 as the exclusive

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 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. Code§ 1-617.09, unit placement for purpose of authorizing collective bargaining over compensation is governed by D.C. Code § 1-617.16(b).

representative of the bargaining unit. *D.C. Office of Unified Commc'ns and Nat'l Ass'n of Gov't Employees/SEIU, Local R3-05*, Certification No. 134, PERB Case No. 05-UM-01 (Aug. 5, 2005). At the request of the National Association of Government Employees/SEIU, the Board amended the certification by removing "Local R3-05" from the name of the exclusive representative of the unit. *Nat'l Ass'n of Gov't Employees/SEIU and D.C. Office of Unified Commc'ns*, 59 D.C. Reg. 3795, Slip Op. No. 892, PERB Case No. 06-AC-01 (2007).

At a time permitted by Rule 502.9(b)(i), the International Union of Public Employees filed a recognition petition seeking to represent the employees of OUC. Local R3-07 intervened as a matter of right pursuant to Rules 502.7 and 502.8(b). The Board ordered an election to determine whether the employees of OUC desired to be represented for purposes of collective bargaining by the International Union of Professional Employees, by Local R3-07, or by no representative. *Int'l Union of Pub. Employees and D.C. Office of Unified Commc'ns*, 59 D.C. Reg. 14,890, Slip Op. No. 1330, PERB Case 12-RC-02 (2012). Following the election, the Board certified Local R3-07 as the exclusive bargaining representative of the following unit:

All employees of the Government of the District of Columbia Office of Unified Communications, excluding all management officials, supervisors, confidential employees, employees engaged in personnel work in other 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 2-1139.

Int'l Union of Pub. Employees and D.C. Office of Unified Commc'ns, 60 D.C. Reg. 2514, Certification No. 153, PERB Case 12-RC-02 (2013).

Petitioners aver that "[a]s a result of this election, the bargaining unit changed, to include ten newly-recognized members of the bargaining unit, who work in the information technology department." (Joint Petition ¶ 5). The Petitioners request the Board to designate Compensation Unit 1 as the appropriate unit for the entire bargaining unit described above as set forth in Certification No. 153. (Joint Petition ¶ 9). A notice concerning the Joint Petition was posted. The notice solicited comments and requests to intervene concerning the appropriate compensation unit. No comments or requests to intervene were received.

The Board authorizes compensation units pursuant to D.C. Code section 1-617.16(b), which provides: "In 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." This provision establishes a two-part test 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. *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).

The employees who had been in the bargaining unit before the most recent certification are already in Compensation Unit 1. (Joint Petition ¶ 6). The Board found it appropriate to place the bargaining unit with those employees in Compensation Unit 1. *D.C. Office of Unified Commc'ns and Nat'l Ass'n of Gov't Employees/SEIU*, 59 D.C. Reg. 2990, Slip Op. No. 786 at p. 6, PERB Case No. 05-UM-01 (2005). The addition of employees from the information technology department only broadens the occupational groups in the unit. The first part of the test is satisfied.

The second part of the test is satisfied as the employees share a pay system with other employees who are currently in Compensation Unit 1 (Joint Petition ¶ 6), and placing the Employees in that unit does not increase the number of different pay systems or schemes.

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.

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 employees of the Government of the District of Columbia Office of Unified Communications, excluding all management officials, supervisors, confidential employees, employees engaged in personnel work in other 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 2-1139.
3. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

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

January 23, 2014

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 13-CU-03 was served via File & ServeXpress to the following parties on this the 23d day of January 2014.

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