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

		
In the Matter of) }
District Council 20, Americ Federation of State, County Municipal Employees, AFL- Local 2097,	, and)))))
	Complainant)
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and) Case No.) 80-U-08) PERB Opinion
District of Columbia General Hospital,) No. 6)
	Respondent)))

Decision and Order

This case arose as a result of an Unfair Labor Practice Complaint filed with the Board on October 9, 1980 by District Council 20, American Federation of State, County, and Municipal Employees (AFSCME), AFL-CIO, Local 2097. The Complaint alleged that the Respondent, District of Columbia General Hospital, had violated Sections 1704 (a) (1) and (5) of the District of Columbia Comprehensive Merit Personnel Act of 1978 (D.C. Law 2-139) by allegedly failing to process and transmit four hundred and eighty five (485) properly executed employee authorization dues cards and placing illegal conditions upon the processing of dues cards.

Respondent moved on October 24, 1980 to dismiss the Complaint on grounds that the obligation to process dues deduction cards and deduct dues from employees' paychecks does not arise until an agreement has been negotiated between the parties with regard to employee authorization, cost of deductions and procedures for the termination of the deductions. Respondent contends that such an agreement had not been negotiated nor had the Complainant requested to negotiate such an agreement.

Section 1707 of D.C. Law 2-139 delineates dues deductions, associated processes and costs as a proper subject for collective bargaining.

The unit in question, AFSCME Local 2097, was certified by the Board on June 17, 1980, as corrected on July 10, 1980, as a residual bargaining unit of professional and non-professional employees at D.C. General Hospital. A negotiated agreement addressing dues deductions existed for a different unit of Local 2097, AFSCME, at D.C. General Hospital.

The certification issued on June 17, 1980 did not result from a consolidation, clarification or an amendment petition. The certification issued on June 17, 1980 created a separate unit of ASFCME, Local 2097, not covered by the agreements of any other unit.

A negotiated agreement for the unit in question does not exist at this time and there is, accordingly, no basis upon which to base a violation of Sections 1704 (a) (1) and (5) of D.C. Law 2-139 for failure to process dues deduction cards.

ORDER

The complaint is dismissed.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD April 17, 1981