

AN ACT

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Columbia
Official Code*

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to authorize the Board of Education and Board of Trustees for the University of the District of Columbia to establish the tour of duty for employees of the respective boards; to clarify that management retains the sole right to determine the mission of the agency, its budget, its organization, the number of employees, the number, types, and grades of positions of employees assigned to an organizational unit, work project, or tour of duty, the technology of performing its work, and its internal security practices, and to establish the tour of duty; to require that working conditions or non-compensation matters shall be negotiated concurrently with negotiations concerning compensation when the compensation agreement to be negotiated is for a newly certified collective bargaining unit assigned to a newly created compensation unit; to require that the parties negotiating a compensation agreement shall proceed promptly to negotiate concurrently any working conditions, other non-compensation matters, and coverage of the compensation agreement when the compensation agreement to be negotiated is for a newly certified collective bargaining unit assigned to an existing compensation unit; to require that a mediator or Board of Arbitration consider non-compensation matters at impasse at the same time compensation matters at impasse are considered, if requested by both parties or ordered by the Executive Director of the Public Employee Relations Board; and to ensure that all information concerning negotiations of compensation be considered confidential until impasse resolution proceedings have been concluded or upon settlement.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Labor Relations and Collective Bargaining Amendment Act of 2004”.

Sec. 2. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

(a) Section 1201(a)(2) (D.C. Official Code § 1-612.01(a)(2)) is amended to read as follows:

**Amend
§ 1-612.01**

“(2) The basic workweek, hours of work, and tour of duty for all employees

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of the Board of Education and the Board of Trustees of the University of the District of Columbia shall be established under rules and regulations issued by the respective Boards; provided, that the basic work scheduling for all employees in recognized collective bargaining units to these established tours of duty shall be subject to collective bargaining, and collective bargaining provisions related to scheduling shall take precedence over conflicting provisions of this title.”.

(b) Section 1708 (D.C. Official Code § 1-617.08) is amended as follows:

**Amend
§ 1-617.08**

(1) Subsection (a)(5) is amended to read as follows:

“(5) To determine:

“(A) The mission of the agency, its budget, its organization, the number of employees, and to establish the tour of duty;

“(B) The number, types, and grades of positions of employees assigned to an agency’s organizational unit, work project, or tour of duty;

“(C) The technology of performing the agency’s work; and

“(D) The agency’s internal security practices; and”.

(2) A new subsection (a-1) is added to read as follows:

“(a-1) An act, exercise, or agreement of the respective personnel authorities (management) shall not be interpreted in any manner as a waiver of the sole management rights contained in subsection (a) of this section.”.

(c) Section 1717 (D.C. Official Code § 1-617.17) is amended as follows:

**Amend
§ 1-617.17**

(1) Subsection (f) is amended as follows:

(A) Paragraph (1)(A) is amended to read as follows:

“(A)(i) A party seeking to negotiate a compensation agreement shall serve a written demand to bargain upon the other party during the period 120 days to 90 days prior to the first day of the fiscal year, for purposes of negotiating a compensation agreement for the subsequent fiscal year.

“(ii) Where the compensation agreement to be negotiated is for a newly certified collective bargaining unit assigned to a newly created compensation unit, working conditions or other non-compensation matters shall be negotiated concurrently with negotiations concerning compensation.

“(iii) Where the compensation agreement to be negotiated is for a newly certified collective bargaining unit assigned to an existing compensation unit, the parties shall proceed promptly to negotiate concurrently any working conditions, other non-compensation matters, and coverage of the compensation agreement.”.

(B) Paragraph (3) is amended by striking the number “20” and inserting the number “45” in its place.

(C) A new paragraph (3A) is added to read as follows:

“(3A) If requested by both parties or ordered by the Executive Director of the Public Employee Relations Board, a mediator or Board of Arbitration appointed pursuant to paragraphs (2) or (3) of this subsection shall consider non-compensation matters at impasse at the same time it considers compensation matters at impasse.”.

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(D) Paragraph (4) is amended by striking the phrase “(1), (2), or (3)” and inserting the phrase “(1), (2), (3), or (3A)” in its place.

(2) Subsection (h) is amended by striking the phrase “until impasse or settlement.” and inserting the phrase “until impasse resolution proceedings have been concluded or upon settlement.” in its place.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia