

**Amendment in the Nature of a Substitute**  
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Chairman Phil Mendelson  
at the request of the Mayor

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A ~~BILL~~ PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To ~~approve, on an emergency basis, review~~ the interest arbitration award and ~~settlements compensation agreement~~ submitted by the Mayor for employees in Compensation Unit 4 ~~and to approve in part the interest arbitration award and to disapprove the legally insufficient parts.~~

RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this

resolution may be cited as the “Interest Arbitration Award and ~~Settlements Compensation Agreement~~ between the ~~Government of the~~ District of Columbia Fire and Emergency Medical Services Department and Local 36 International Association of ~~FireFighters~~ Firefighters (Compensation Unit 4) ~~Emergency Approval Resolution Act~~ of 2014.”

Sec. 2. (a) Pursuant to ~~Section section~~ 1717(j) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-617.17(j)) ~~(2012 Repl.)~~, the Council ~~of the District of Columbia has authority to approve or disapprove~~ approves ~~the~~ interest arbitration award and compensation agreement between the District of Columbia Fire and Emergency Medical Services Department and Local 36 International Association of Firefighters (Compensation Unit 4), which was transmitted by the Mayor to the Council on June 25, 2014. ~~provisions negotiated through collective bargaining~~

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~~between the Government of the District of Columbia and the collective bargaining representatives of Compensation Unit 4.~~

(b) ~~This resolution-act~~ applies to Compensation Unit 4 bargaining unit employees in the Fire and Emergency Medical Services Department.

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(c) Consistent with section 1717(j) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code 1-617.17(j)), ~~the Council approves the interest arbitration award and settlements compensation agreement, but without prejudice to pending litigation regarding but disapproves~~ the following language contained in Article 18: “Members whose duties include fire suppression shall be paid overtime for all hours worked in excess of 42 hours averaged over a four-week period” and the following language in Article 44 Section B:

- 1) The basic workweek for members working in the Fire Fighting Division shall be 42 hours averaged over a 4-week period.
- 2) The work schedule for members working in the Fire Fighting Division shall be 24 hours on duty and 72 hours off duty.

It is the intent of the Council that in approving the interest arbitration award and compensation agreement for Compensation Unit 4, the legal basis for the cited provisions will be resolved in the courts, and the Council’s approval does not constitute the Council taking sides in the litigation. ~~The language is disapproved because it is legally insufficient as contrary to the Public Employee Relations Board’s (PERB) decision and order in *Local 36 International Association of Firefighters, AFL-CIO v. District of Columbia Department of Fire and Emergency Medical Services*, 13-N-04 (2014), Opinion Nos. 1445-1461, and 1466. PERB held that tours of duty are non-negotiable management rights.~~

Sec. 3. Fiscal ~~Impact~~ impact Statement ~~statement~~.

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2 The Council adopts the fiscal impact statement ~~from of~~ the ~~Office of the~~ Chief Financial  
3 Officer as the fiscal impact statement required by §section 602-(c)(3) of the District of Columbia  
4 Home Rule Act, approved December 24, 1973 (87 Stat. 813; ~~D.C. Code §1-233(c)(3)~~; D.C.  
5 Official Code § 1-206.02(c)(3)-(2012 Repl.)).

6 Sec. 4. Effective date.

7 This act shall take effect following approval by the Mayor (or in the event of veto by the  
8 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than  
9 90 days, as provided for emergency acts of the Council of the District of Columbia in section  
10 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;  
11 D.C. Official Code § 1-204.12(a)).

12 ~~Sec. 4. The Secretary of the Council shall transmit a copy of this resolution, upon its~~  
13 ~~adoption, to Compensation Unit 4 and the Mayor.~~

14 ~~Sec. 5. This resolution shall take effect immediately.~~

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