

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of:

The American Federation of State, County  
and Municipal Employees, Council 20,  
Local 2743,

Petitioner,

and

The District of Columbia Department  
of Consumer and Regulatory Affairs,

Respondent.

PERB Case No. 84-U-03  
Opinion No. 73

DECISION AND ORDER

On January 12, 1984, the American Federation of State, County and Municipal Employees (AFSCME) filed an "Unfair Labor Practice Complaint" (ULP) with the District of Columbia Public Employee Relations Board (Board) alleging that the District of Columbia Department of Consumer and Regulatory Affairs (Employer) violated Section 1704 of the District of Columbia Comprehensive Merit Personnel Act (CMPA) (D.C. Code Section 1-618.4(a)(1)) by granting the American Federation of Government Employees (AFGE) access to its employees for organizing activities while denying such access to AFSCME. On January 26, 1984, the Employer filed its "Answer" denying the allegations.

On February 23, 1984, AFSCME filed a "Request" with the Board asking that the representation proceedings in Cases 84-R-02 and 84-R-03, both currently pending before the Board, be held in abeyance pending resolution of this ULP Complaint. On February 28, 1984, the Employer filed its "Response" and on March 1, 1984, AFGE filed its "Response". Both opposed AFSCME's request.

AFSCME's request is based on the National Labor Relations Board's (NLRB) administrative policy under which certain representation proceedings are held in abeyance pending the resolution of ULP charges which might effect the representation process. These "blocking" procedures are generally applicable to the majority status determination stage of the representation process and not to the more fundamental unit determination stage.

In the representation cases currently pending, this Board will be required to make appropriate unit determinations as the initial step in the representation process. To that end, the Board has directed that Cases 84-R-02 and 84-R-03 be consolidated and referred to a hearing examiner for a report and recommendation on all unit determination issues. AFSCME has set forth no compelling reason why these unit determination matters should not proceed and the Board finds none. The Board directs that AFSCME be afforded the opportunity to fully participate in the unit determination proceedings, but denies its request to hold these proceedings in abeyance pending resolution of the ULP Complaint.

ORDER

IT IS ORDERED THAT:

AFSCME's request that the representation proceedings in Cases 84-R-02 and 84-R-03 be held in abeyance pending the resolution of his ULP Complaint is denied.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD  
March 15, 1984