GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of:	
Antoinette C. Sessa, Petitioner,	
and	PERB Case No. 86-S-01 Opinion No. 140
The Washington Teachers' Union, Local 6, AFT, AFL-CIO, Respondent.	

DECISION AND ORDER

On October 1, 1985 Antoinette C. Sessa filed a Standards of Conduct Complaint against the Washington Teachers' Union, Local 6 AFT, AFL-CIO (WTU). In her Complaint, Ms. Sessa alleges that WTU committed several procedural irregularities in conducting the ratification vote for the collective bargaining agreement between WTU and the D.C. Public Schools. Ms. Sessa contends that WTU did not properly notify members of the bargaining unit of the date of the ratification vote which was held on September 27, 1985. She further alleges that the voting location lacked adequate parking facilities and that she and other bargaining unit members did not receive a copy of the tentative agreement prior to the vote, even though she had been told that she would receive a copy of the agreement. Ms. Sessa also alleges that several teachers were not allowed to vote because WTU locked the doors and would not open them during the voting.

On October 22, 1985 WTU filed a Response in Opposition to the Complaint contending that Ms. Sessa, as a retired teacher, is not covered by the collective bargaining agreement and has no right either to vote on the contract or to file a Standards of Conduct Complaint. WTU also contends that the Board has no jurisdiction over the Complaint because "its authority and jurisdiction does not extend to the ratification process utilized by a union in voting on a collective bargaining agreement." WTU further contends that the ratification procedure was properly conducted in a fair and equitable manner and that the voting location was adequate. WTU requests that the Board dismiss the Complaint.

The issue before the Board is whether a union member who is not an employee of the District government nor a member of the collective bargaining unit has standing to complain about the union's procedures in holding a ballot on ratification of a new collective bargaining agreement.

The Board has reviewed this matter and finds that because Ms. Sessa is not an employee of the District of Columbia, and thus cannot be a member of the bargaining unit, she is not a "person who is aggrieved" (PERB Interim Rule 108.2) by the manner in which the WTU conducted the vote in ratification of a new bargaining agreement with the D.C. Public Schools. D.C. Code Section 1.603.1(7) defines an "employee" as an individual who performs a function of the District government and who receives compensation for the performance of such services. Ms. Sessa, a retired teacher no longer in the collective bargaining unit represented by WTU, is clearly not an employee under the D.C. Code. Accordingly, the Complaint is dismissed. It is therefore not necessary for the Board to reach the question whether it has jurisdiction to review a union's contract ratification process.

O R D E R

IT IS ORDERED THAT:

The Complaint is hereby dismissed.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

May 30, 1986