

Notice: This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any errors so that they may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

**Government of the District of Columbia
Public Employee Relations Board**

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|--|---|------------------------|
| In the Matter of: |) | |
| |) | |
| International Union of Public Employees, |) | |
| |) | |
| Petitioner, |) | |
| |) | PERB Case No. 12-RC-02 |
| and |) | |
| |) | Opinion No. 1330 |
| District of Columbia Office of |) | |
| Unified Communications, |) | |
| |) | |
| Agency, |) | |
| |) | |
| and |) | |
| |) | |
| National Association of Government |) | |
| Employees, Local R3-07, |) | |
| |) | |
| Intervener. |) | |

DECISION AND ORDER

I. Statement of the Case

On July 30, 2012, Petitioner International Union of Public Employees (“Petitioner” or “IUPE”) filed a recognition petition (“Petition”) with the Public Employee Relations Board, in accordance with Board Rules 502.1 and 502.2. IUPE seeks to represent, for purposes of collective bargaining:

All employees of the Government of the District of Columbia Office of Unified Communications (“OUC” or “Agency”), excluding all management officials, supervisors, confidential employees engaged in personnel work other than in a purely clerical capacity, and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

(Petition at 1).

At the time of the filing of the instant Petition, these employees were represented by the National Association of Government Employees, Local R3-07 ("NAGE" or "Intervener"), which seeks to intervene in this matter. (Petition at 2; Petition for Intervention at 1). In its Petition, IUPE states that there is no collective bargaining agreement currently in effect covering the proposed unit or any part of it. (Petition at 2). NAGE disagrees, asserting that the collective bargaining agreement between NAGE and OUC expires on September 30, 2012. (Petition for Intervention at 1-2, Intervener's Ex. 2 at p. 30).

The Petition was accompanied by a showing of interest meeting the requirement of Board Rule 502.1. On August 17, 2012, the Board issued a notice to all employees, labor organizations, and agencies associated with OUC, informing them of the petition filed by IUPE. NAGE submitted a Petition for Intervention; no additional comments were submitted.

II. Discussion

A. NAGE's Petition for Intervention

On September 13, 2012, NAGE submitted a Petition for Intervention as a matter of right, in accordance with Board Rules 502.7 and 502.8(b).¹ NAGE's Petition for Intervention included the information and documents required by Board Rule 502.1. As NAGE is the incumbent labor organization and has complied with the applicable Board rules, the Board grants NAGE's Petition for Intervention.

B. Contract Bar

IUPE and NAGE disagree on whether there is a collective bargaining agreement in place which covers any or the entire proposed bargaining unit. Under Board Rule 502.9(b)(i), a petition for exclusive recognition shall be barred if a collective bargaining agreement is in effect covering all or some of the employees in the bargaining unit and the agreement is of three years or shorter duration; provided, however, that a petition may be filed between the 120th day and the 60th day prior to the scheduled expiration date of the contract. In the instant case, the Petition was filed within the window period permitted by the Board Rules, so the parties' disagreement on the existence of an effective collective bargaining agreement does not require further investigation.

¹ Board Rule 502.7 states that "[a] labor organization may file an intervention petition within the period required by the Notice and said petition shall contain the same information as required under Subsection 502.1 of these rules."

Board Rule 502.8(b) states in relevant part that "[t]he incumbent labor organization shall be allowed to intervene as a matter of right without submitting any showing of interest."

C. Direction of Election

The Board has reviewed the showing of interest based on a comparison of the IUPE's Petition to an alphabetical list submitted by the Agency containing the names of all members of the bargaining unit employed by the OUC for the last full pay period prior to the July 30, 2012, filing. We find that IUPE has met the 30% requirement under Board Rules 502.2 and 502.4. As a result, we order that an election be held to determine the will of the eligible employees in the unit described above regarding their desire to be represented by either IUPE, NAGE, or no representative, for the purposes of collective bargaining over compensation and terms and conditions of employment with the Office of Unified Communications. Finally, we believe that a mail ballot election is appropriate in this case. Therefore, a mail ballot election shall be held in accordance with the provisions of D.C. Code § 1-617.09(b) and Board Rules 502.13 and 510 - 515.

ORDER

IT IS HEREBY ORDERED THAT:

1. The National Association of Government Employees, Local R3-07's Petition for Intervention is granted.
2. An election shall be held to determine whether the eligible employees employed by the District of Columbia Office of Unified Communications desire to be represented by either the International Union of Professional Employees, or the National Association of Government Employees, Local R3-07, or no representative, for the purposes of collective bargaining over compensation and terms and conditions of employment.
3. A mail ballot election shall be held in accordance with D.C. Code § 1-617.09(b) and Board Rules 502.13 and 510-515.
4. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

Washington, D.C.

September 28, 2012