Government of the District of Columbia
Public Employee Relations Board

In the Matter of:	
National Association of Government Employees, SEIU, Local R3-07,	
Petitioner,	PERB Case No. 12-UC-01
vs.	Opinion No. 1253
District of Columbia Office of Unified Communications,	
Respondent.	

DECISION AND ORDER ON UNIT CLARIFICATION

I. Statement of the Case

On February 9, 2012, the National Association of Government Employees/Service Employees International Union Local R3-07 ("Petitioner" or "Union") filed a unit clarification petition ("Petition"), in accordance with Board Rule 506.1. Petitioner seeks to clarify the scope of the unit with respect to Information Technology Specialists ("IT Specialists") at the District of Columbia Office of Unified Communications ("Respondent" or "Agency"). On March 2, 2012, Respondent filed a document styled Agency Comments Concerning Unit Clarification Petition ("Comments").

II. Discussion

Petitioner is the exclusive bargaining representative for a unit currently described as follows:

> All telephone operators, dispatchers, trainers, radio shop employees, communications technicians and clerical staff of the District of Columbia Office of Unified Communications, excluding managers, supervisors, confidential employees, employees engaged in personnel work other than 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 2). Petitioner alleges that IT Specialists are covered under the above certification as "communications technicians" because they are technicians who perform work in the Office of Unified Communications. (Petition at 3). Petitioner further states that there are no positions at the Agency with the title "communications technician," so any employee that reasonably falls within that description should be included. *Id.* Additionally, Petitioner asserts that IT Specialists are not specifically excluded from the unit. *Id.*

In its Comments, the Agency opposes the inclusion of IT Specialists within the bargaining unit. (Comments at 2). The Agency contends that IT Specialists do not share a community of interest with the other positions included in the current unit certification due to dissimilar skill sets, job functions, and supervisory structures. (Comments at 2-3). Further, the Agency alleges that including IT Specialists in the current unit certification would "require almost separate working conditions negotiations because the needs, concerns, and duties of the IT specialists are radically different from those of the other employees in the unit." (Comments at 3). IT specialists also work closely with management, which the Agency posits may create potential conflicts. *Id.* Finally, the Agency states that the Union participated in crafting the current unit description and should have included "IT Specialists" instead of "communication technicians" at that time. *Id.*

Petitioner and Respondent are in dispute as to whether IT Specialists meet the community of interest requirement of D.C. Code §1-617.09. Pursuant to Board Rule 506.2, this matter will be referred to a Hearing Examiner for an investigation and recommendation.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Board's Executive Director shall refer the National Association of Government Employees, Local R3-07 to a Hearing Examiner.

2. The Notice of hearing shall be issued seven (7) days prior to the date of the hearing.

3. Pursuant to Board Rule 559, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD
Washington, D.C.

March 28, 2012

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 12-UC-01 is being transmitted via U.S. Mail to the following parties on this the 28th day of March, 2012.

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