

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**

_____	)	
In the Matter of:	)	
	)	
District of Columbia Nurses	)	PERB Case No. 05-RC-03
Association,	)	
	)	Opinion No. 821
Petitioner,	)	
	)	
and	)	
	)	
District of Columbia Child and	)	
Family Services Agency,	)	
	)	
Respondent.	)	
_____	)	

**DECISION ON UNIT DETERMINATION AND  
DIRECTION OF ELECTION**

The District of Columbia Nurses Association (“DCNA” or “Petitioner”), filed a Recognition Petition (“Petition”) in the above-captioned proceeding. DCNA seeks to represent, for purposes of collective bargaining, all registered nurses employed by the District of Columbia Child and Family Services Agency. The Petition was accompanied by a showing of interest and a copy of the Petitioner’s Constitution. (See Board Rules 502.1(d) and 502.2)

After conducting an investigation, the Board determined that DCNA satisfied the showing of interest requirement of Board Rule 502.2. As a result, on September 14, 2005, Notices concerning the Petition were issued for conspicuous posting where Notices to employees are normally located at the District of Columbia Child and Family Services Agency. The Notices indicated that requests to intervene and/or comments should be filed in the Board’s Office no later than October 13, 2005. On September 29, 2005, the District of Columbia Child and Family Services Agency (“CFSA” or “Agency”) confirmed that the Notices were posted. No comments were received by the Board.

DCNA seeks to represent the following proposed unit:

All registered nurses employed by the District of Columbia Child and Family Services Agency, excluding management officials, confidential employees, supervisors, employees engaged in personnel work in 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.

D.C. Code § 1-617.09(a) (2001ed.), requires that a community of interest exist among employees in order for a unit to be found appropriate by the Board for collective bargaining over terms and conditions of employment. An appropriate unit must also promote effective labor relations and efficiency of agency operations.

Our review of the Petition and exhibits reveal the following concerning the proposed unit. The proposed unit consists of registered nurses employed by the District of Columbia Child and Family Services Agency. All of these nurses share a common organizational structure and mission within the Child and Family Services Agency. No other labor organization represents these registered nurses. Also, there is no collective bargaining agreement in effect covering any of these registered nurses.

In view of the above, we believe that sufficient factors exist for the Board to find that these employees share a community of interest. Such a unit of registered nurses employed by the Child and Family Services Agency, that share a common purpose and mission would promote effective labor relations and efficiency of agency operations and thereby constitute an appropriate unit under the Comprehensive Merit Personnel Act.

Regarding the question of representation, the Board orders 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 DCNA for purposes of collective bargaining with the District of Columbia Child and Family Services Agency. In accordance with the provisions of D.C. Code § 1-617.10 (2001 ed.) and Board Rules 510-515, eligible employees shall indicate their desire concerning whether to be represented for purposes of collective bargaining on compensation and terms and conditions of employment by either the District of Columbia Nurses Association or No Union. Finally, we believe that a mail ballot election is appropriate in this case.

### **ORDER**

#### **IT IS HEREBY ORDERED THAT:**

1. The following unit is an appropriate unit for collective bargaining over terms and conditions of employment:

All registered nurses employed by the District of Columbia Child and Family Services Agency, excluding management officials, confidential employees, supervisors, employees engaged in personnel work in 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.

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2. A mail ballot election shall be held in accordance with the provisions of D.C. Code § 1-617.10 (2001 ed.) and Board Rules 510-515, in order to determine whether or not all eligible employees desire to be represented for purpose of collective bargaining on compensation and terms and conditions of employment, by either the District of Columbia Nurses Association or No Union.
3. 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.

December 19, 2005

**CERTIFICATE OF SERVICE**

This is to certify that the attached Decision on Unit Determination and Direction of Election in PERB Case No. 05-RC-03 was transmitted via Fax and U.S. Mail to the following parties on this the 19<sup>th</sup> day of December 2005.

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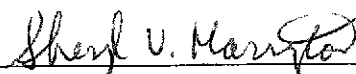
**COURTESY COPIES:**

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Sheryl V. Harrington  
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