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

_____ )	
In the Matter of: )	
)	
American Federation of State, )	
County and Municipal Employees, )	
District Council 20, AFL-CIO )	
)	PERB Case No. 14-RC-01
Petitioner. )	
and )	Opinion No. 1474
)	
District of Columbia Public )	
Service Commission, )	
)	
Agency. )	
_____ )	

**DECISION ON UNIT DETERMINATION**  
**AND VOLUNTARY RECOGNITION**

On December 20, 2013, the American Federation of State, County and Municipal Employees, District Council 20, AFL-CIO, (“AFSCME”) filed an “Amended Petition for Recognition” (“Petition”) with the Public Employee Relations Board. AFSCME seeks to represent, for the purpose of collective bargaining, a unit of unrepresented professional and non-professional employees employed by the District of Columbia Public Service Commission (“PSC”). The Petition was accompanied by a showing of interest. In addition, a roster of petitioner's officers and a copy of petitioner's constitution and bylaws were included, as required by Board Rule 502.1 (d).

On January 28, 2014, PSC submitted an alphabetical list of employees. PERB determined that the Petitioner’s showing of interest met Board Rule 502.2. Notices concerning the Petition were issued on January 30, 2014, for conspicuous posting for fifteen (15) consecutive days where employees in the proposed unit are located at PSC. The Notices required that comments or requests to intervene be filed in the Board's office no later than February 28, 2014. One comment was received by PERB, but did not provide evidence that the proposed unit was inappropriate for collective bargaining. No comments or objections were received by any

professional employees in the proposed bargaining unit. PSC does not dispute the appropriateness of the proposed bargaining unit, pursuant to the criteria set forth under D.C. Official Code §1-617.09(a) (2001 ed.).

On May 1, 2014, AFSCME submitted additional evidence that more than fifty-percent (50%) of the proposed bargaining unit desired to be represented by AFSCME for the purposes of collective bargaining. On May 6, 2014, the Executive Director determined that a majority of the employees desired to be represented by AFSCME for the purposes of collective bargaining, including a majority of the professional employees. On May 28, 2014, PSC submitted comments indicating their willingness to voluntarily recognize AFSCME as the exclusive representative.

The unit sought by AFSCME is as follows:

All professional and non-professional employees employed by the District of Columbia Public Service Commission, excluding all management officials, supervisors, confidential employees, employees who are covered by another union's certification, employees engaged in personnel work other than in a purely clerical capacity and employees engaged in administering the provisions of Title 1, Chapter 6, subchapter XVII of the D.C. Official Code.

The Comprehensive Merit Personnel Act ("CMPA"), as codified at D.C. Official Code § 1-617.09(a) (2001 ed.), requires that a community of interest exist among employees 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.

After reviewing the Petition, the Board finds that a community of interest exists among the employees for the proposed bargaining unit and promotes effective labor relations and efficiency of agency operations. In addition, there is no other labor organization currently representing this group of employees. In accordance with D.C. Official Code § 1-617.10(b)(5), a majority of the professionals have petitioned for the above-described unit. Therefore, the Board finds that the proposed bargaining unit constitutes an appropriate unit under the CMPA.

Board Rule 502.12 provides in relevant part that "the Board may permit the employing agency to recognize the labor organization without an election on the basis of evidence that demonstrates majority status (more than 50%) ... indicating that employees wish to be represented by the petitioning labor organization." PSC has expressed a willingness to voluntarily recognize AFSCME as the exclusive representative for the proposed unit.

The Board has reviewed the evidence and concludes that the proffered evidence submitted by AFSCME establishes the will of a majority of employees in the unit regarding their desire to be represented by AFSCME for the purpose of collective bargaining with the District of Columbia Public Service Commission and other terms and conditions of employment.

The Board finds in all other respects that the requirements of D.C. Official Code § 1-617.10 (b)(1) (2001 ed.) and Board Rule 502.12 have been met. Therefore, a certification of representation shall be granted to AFSCME without an election.

**ORDER**

**IT IS HEREBY ORDERED THAT:**

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

All professional and non-professional employees employed by the District of Columbia Public Service Commission, excluding all management officials, supervisors, confidential employees, employees who are covered by another union's certification, employees engaged in personnel work other than in a purely clerical capacity and employees engaged in administering the provisions of Title 1, Chapter 6, subchapter XVII of the D.C. Official Code.

2. Pursuant to D.C. Code § 1-617.10 (b) (1) (2001 ed.) and in accordance with Board Rule 502.12, the District of Columbia Public Service Commission, is permitted to voluntarily recognize, without an election, the American Federation of States, County and Municipal Employees, District Council 20, AFL-CIO, as the collective bargaining representative of the unit found to be appropriate above.
3. The attached Certification of Representative is granted to AFSCME as the exclusive collective bargaining representative for the unit found appropriate for the purpose of collective bargaining over compensation and other terms and conditions of employment.

**BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD**

Washington, D.C.

June 4, 2014