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

_____)	
In the Matter of:)	
)	
Service Employees International Union,)	
Local 500)	
)	PERB Case No. 13-RC-06
Petitioner,)	
and)	Opinion No. 1476
)	
University of the District of Columbia)	
)	
Respondent.)	
_____)	

SUPPLEMENTAL ORDER

I. Statement of the Case

On May 1, 2014, the Board issued a Decision and Order finding that the following unit was an appropriate unit for collective bargaining over terms and conditions of employment:

INCLUDED:

All part-time faculty paid by the course, employed by the University of the District of Columbia other than through the Law School.

EXCLUDED:

All other employees, including all employees in positions within other collectively-bargained bargaining units, including all full-time faculty; all employees of the Law School including adjunct faculty of the law school; visiting faculty, full-time employees, graduate students, lab assistants, graduate assistants, teaching associates, clinical fellows, teaching fellows, teaching assistants, research assistants, librarians, registrars, volunteers and degree seeking students of the University including those with adjunct appointments, administrators and other employees whose primary position is not teaching but may have teaching responsibilities and may be

classified by the University as adjuncts when they teach, office clerical employees, guards and security personnel, managerial and supervisory employees.

SEIU Local 500 and University of the District of Columbia, Slip Op. No. 1464, PERB Case No. 13-RC-06 (May 1, 2014). The Board ordered a mail ballot election be held in accordance with the provisions of D.C. Official Code §1-617.10 (2001 ed.) and Board Rules 510-515 to determine whether a majority of eligible employees desires to be represented for purposes of collective bargaining on terms and conditions of employment by either the Service Employees International Union, Local 500 or no union. *Id.* at 3.

The Parties disputed whether a mail ballot election should be held, and each Party submitted a proposed timeline for a mail ballot election, if it were ordered.

II. Discussion

The Agency proposes that the Board conduct the mail ballot election in the period between September 18, 2014, and October 2, 2014. (UDC Letter dated May 7, 2014). The Agency argues that the Fall Semester starts on August 18, 2014. *Id.* The Agency asserts that the eligible voter list should consist of “all adjuncts teaching in the Fall semester 2014, plus any other adjuncts that have taught at least one class in Fall and Spring semesters of 2013-2014.” *Id.* (citing *C.W. Post Center of Long Island University*, 198 NLRB 433 (1972) (holding that eligible voters consisted of those who “possessed a reasonable expectation of future employment”)). Further, the Agency argues that the identity of the Fall semester adjuncts “will not be known until the add-drop period ends at the end of August.” *Id.* The Agency proposes that it would construct a voter list by September 8, 2014, which would allow the Board to prepare and send mail ballots to voters during a two-week election period between September 18 and October 2, 2014. *Id.*

The Union proposes that a mail ballot election should be conducted as soon as possible. (SEIU Letter dated April 30, 2014). The Union contends that there is potential for retaliation against Fall adjuncts by not hiring those who have supported the Union. *Id.*

After considering the arguments of the Parties, the Board has determined that an election proceeding within a reasonable period of time after the issuance of this Supplemental Order be conducted to determine whether the employees desire to be represented by SEIU Local 500 or no union for purposes of collective bargaining. An election conducted expeditiously would effectuate the intent and purposes of the CMPA, by allowing those voters who were provided notice during the pendency of the Petition an opportunity to vote and receive resolution.

The eligible voter list will comprise of employees employed during the Fall 2013 semester, Spring 2014 semester, or Summer 2014 semester, who have a reasonable expectation of continued employment. See *Washington Teachers' Union, Local 6 and D.C. Public Schools*, Slip Op. No. 233, PERB Case No. 88-RC-09 (1989).

ORDER

IT IS HEREBY ORDERED THAT:

1. A mail ballot election shall be held within a reasonable period of time from the issuance of this Supplemental Order in accordance with the provisions of D.C. Official 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 bargaining on terms and conditions of employment by either the Service Employees International Union, Local 500 or no Union.
2. Pursuant to Board 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By unanimous vote of Board Chairperson Charles Murphy, Member Donald Wasserman, and Member Ann Hoffman

Washington, D.C.

June 9, 2014

CERTIFICATE OF SERVICE

This is to certify that the attached Supplemental Order in PERB Case No. 13-RC-06 was transmitted to the following Parties on this the 9th day of June, 2014:

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