

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:	)	
	)	
American Federation of	)	PERB Case No. 18-RC-01
Government Employees, AFL-CIO	)	
Local 2798	)	
Petitioner	)	
	)	Opinion No. 1670
and	)	
	)	
Health and Emergency Preparedness and	)	
Response Administration	)	
Respondent	)	

---

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

On January 12, 2018, American Federation of Government Employees, Local 2798 (“AFGE Local 2798”) filed a “Recognition Petition for Health Emergency Preparedness and Response Administration” (“Petition”), seeking to represent the following proposed bargaining unit for the purpose of collective bargaining:

All professional and non-professional employees of the Health Emergency Preparedness and Response Administration excluding: all management officials, supervisors, confidential employees, 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 1979, D.C. Law 2-139.<sup>1</sup>

As required by PERB Rule 502.1(d), the Petition was accompanied by a roster of the Petitioner’s officers and a copy of Petitioner’s constitution and bylaws. In addition, the Petitioner submitted evidence of the employees’ showing of interest in having Petitioner as their exclusive representative for collective bargaining.

---

<sup>1</sup> Petition at 1-2.

On February 13, 2018, pursuant to PERB Rule 502.3, the Health and Emergency Preparedness and Response Administration (“HEPRA”) submitted a list of employees. On May 21, 2018, HEPRA filed amended comments which stated that it did “not see any issues in dispute in relation to AFGE 2978’s petition to represent the non-supervisory positions in HEPRA that would need to be resolved by means of a hearing.”<sup>2</sup> Pursuant to PERB Rule 502.4, the Board determined that the Union met its showing of interest, and as required by PERB Rule 502.6, a notice of the recognition petition was issued March 29, 2018, for conspicuous posting for fourteen (14) consecutive days where employees in the proposed unit were located. No comments or requests for intervention were received by the Board.

The Comprehensive Merit Personnel Act, as codified in section 1-617.09(a) of the D.C. Official Code, 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 in the proposed bargaining unit and recognition of the unit would promote effective labor relations and efficiency of agency operations. In addition, there is no other labor organization currently representing this group of employees. Therefore, the Board finds that the proposed bargaining unit constitutes an appropriate unit under the Comprehensive Merit Personnel Act.

As a result, the Board orders an election be held to determine the will of the eligible employees in the unit described above to be represented by AFGE, Local 2798 or no representative. Since this bargaining unit contains professionals and nonprofessionals, the ballots for the professional employees must be in accordance with PERB Rule 510.5. The rule states that when an election involves a bargaining unit containing professionals and nonprofessionals, all professional employees shall be given two ballots; one for indicating whether they desire a combined professional/nonprofessional unit and a second for indicating the choice of representative, if any. The Board finds that an on-site 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 professional and non-professional employees of the Health Emergency Preparedness and Response Administration excluding: all management officials, supervisors, confidential employees, employees engaged in personnel work other than in a purely clerical capacity, and employees

---

<sup>2</sup> Amended Comments at 2.

engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1979, D.C. Law 2-139.

2. An on-site ballot election shall be held in accordance with the provisions of D.C. Official Code § 1-617.10 and Board Rules 510, 511, 513, 514, and 515 in order to determine whether a majority of eligible employees in the above-described unit desire to be represented for the bargaining on terms and conditions of employment by either the American Federation of Government Workers, Local 2798 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**

By unanimous vote of Board Chairperson Charles Murphy and Board Members Mary Anne Gibbons, Ann Hoffman, Barbara Somson, and Douglas Warshof.

Washington, D.C.

June 20, 2018

**CERTIFICATE OF SERVICE**

This is to certify that the attached Decision and Order in PERB Case No. 18-RC-01, Op. No. 1670 was transmitted to the following parties on this the 26<sup>th</sup> day of June, 2018.

Rushab Sanghvi  
American Federation of Government  
Employees, AFL-CIO, District 14  
80 M Street, SE  
Suite 340  
Washington, D.C. 20003

Michael D. Levy  
Office of Labor Relations  
and Collective Bargaining  
441 4<sup>th</sup> Street, NW  
Suite 820 North  
Washington, D.C. 20001

/s/ Merlin M. George  
Public Employee Relations Board  
1100 4th Street, SW  
Suite E630  
Washington, D.C. 20024  
Telephone: (202) 727-1822