

Notice: This decision may be formally revised within thirty days of issuance 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 challenge to the decision.

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

_____)	
In the Matter of:)	
)	
American Federation of Government)	
Employees, Local 631)	
)	PERB Case No. 24-RC-01
Petitioner)	
)	Opinion No. 1874
and)	
)	
District of Columbia Department of)	
General Services)	
)	
Respondent)	
_____)	

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

I. Statement of the Case

On October 26, 2023, the American Federation of Government Employees, Local 631 (AFGE) filed a petition for exclusive recognition and noncompensation unit determination (Petition), seeking to represent the following proposed bargaining unit at the District of Columbia Department of General Services (DGS):

18 positions, in the Career Service, of Special Assistant CS-301-13, Program Analyst CS-343-14, Resource Allocation Analyst CS-301-14, three positions of Program Analyst CS-343-13, three positions of Program Analyst CS-343-12, two positions of Management Analyst CS-343-13, a Management Analyst CS-343-12, two positions of Program Support Specialist CS-301-11, a Program Support Specialist CS-301-9, a Construction Analyst CS-828-12, a Grants Management Specialist CS-343-12, and a Clerk CS-301-3.¹

As required under Board Rule 503.4, AFGE submitted signed dues authorization cards, demonstrating an adequate showing of interest. Seven (7) cards were submitted, showing that at least thirty percent (30%) of employees in the proposed unit desired AFGE’s representation.

¹ Petition at 1.

On November 22, 2023, DGS filed a Response to the Petition. Pursuant to Board Rule 503.3, the Response contained an alphabetical list of the fourteen (14) employees who occupied positions in the proposed unit.² On December 5, 2023, DGS submitted Comments to the Petition, contesting the appropriateness of several positions for inclusion in the bargaining unit.³ DGS requested that the Board dismiss the Petition, arguing that employees in the proposed unit did not share a community of interest with the unit of DGS employees which AFGE currently represents.⁴

On December 18, 2023, the parties participated in a mediation conference, but did not reach a settlement. The parties chose to continue negotiations outside of PERB. On March 27, 2024, the parties filed a Joint Notice of Settlement, stating that they had reached an agreement. On April 15, 2024, the parties submitted a Settlement Agreement (Agreement), in which DGS agreed not to contest the following proposed bargaining unit:

15 positions, in the Career Service, three positions of Program Analyst CS-343-13, three positions of Program Analyst CS-343-12, two positions of Management Analyst CS-343-13, a Management Analyst CS-343-12, two positions of Program Support Specialist CS-301-11, a Program Support Specialist CS-301-9, a Construction Analyst CS-828-12, a Grants Management Specialist CS-343-12, and a Clerk CS-301-3.⁵

On April 26, 2024, as required under Board Rule 503.10, DGS posted a notice which described the proposed unit and provided affected labor organizations with the opportunity to intervene in the instant case. There were no intervenors.

On May 22, 2024, the parties attended a conference and discussed voluntary recognition, pursuant to Board Rule 503.17. DGS rejected voluntary recognition of the unit and insisted upon an election. AFGE subsequently requested that the Board certify the proposed unit without an election. DGS objected, arguing that an election is required under Board Rule 503.17.

For the reasons stated herein, an election shall be held.

² Response at 2.

³ DGS asserted that the Special Assistant CS-301-13 position was inappropriate for inclusion in the proposed bargaining unit because that role was held by a “confidential employee” within the meaning of D.C. Official Code § 1-617.09(b)(2). Comments at 2. Additionally, DGS requested that the Board review the Management Analyst CS-343-12 position, suggesting that it might also fall under the “confidential employee” designation. Comments at 2.

⁴ Comments at 2. DGS requested, in the alternative, that the Board exclude the Special Assistant CS-301-13 position from the proposed unit. Comments at 2.

⁵ The Agreement established that the following positions shall be excluded from the bargaining unit: Special Assistant CS-301-13; Program Analyst CS-343-14; and Resource Allocation Analyst CS-301-14. Agreement at 1.

II. Discussion

The issue presented is whether the Board may certify the proposed bargaining without an election. Pursuant to Board Rule 503.17:

If the choice available to employees in an appropriate unit is limited to the selection or rejection of a single labor organization, the Board may approve the employing agency to recognize the labor organization without an election on the basis of evidence that demonstrates majority status (more than fifty percent (50%) support for the petitioning labor organization), such as documentary proof not more than one year old, indicating that a majority of employees wish to be represented by the petitioning labor organization.

The Board has established that, under Board Rule 503.17, an election is necessary for certification of a proposed bargaining unit, unless the agency has notified PERB of its intention to voluntarily recognize the unit.⁶ Here, DGS has not agreed to recognize the unit voluntarily. Therefore, the Board will not certify the proposed unit without an election.

III. Conclusion

An election shall be held to determine whether a majority of eligible employees in the proposed unit desire recognition of AFGE, Local 631 as their exclusive representative.

⁶ *AFGE, Local 631 and OSSE*, 69 D.C. Reg. 10151, Slip Op. No. 1816 at 5, PERB Case No. 22-RC-01 (2022).

ORDER

IT IS HEREBY ORDERED THAT:

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

15 positions, in the Career Service, three positions of Program Analyst CS-343-13, three positions of Program Analyst CS-343-12, two positions of Management Analyst CS-343-13, a Management Analyst CS-343-12, two positions of Program Support Specialist CS-301-11, a Program Support Specialist CS-301-9, a Construction Analyst CS-828-12, a Grants Management Specialist CS-343-12, and a Clerk CS-301-3

2. An election shall be held in accordance with the provisions of D.C. Official Code § 1617.10 and Board Rule 510 to determine whether a majority of eligible employees in the uncontested proposed unit desire to be represented for bargaining on terms and conditions of employment by the American Federation of Government Employees, Local 631 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 vote of Board Chairperson Douglas Warshof and Members Renee Bowser, Mary Anne Gibbons, and Peter Winkler.

June 26, 2024
Washington, D.C.

APPEAL RIGHTS

Pursuant to Board Rule 559.2, a party may file a motion for reconsideration, requesting the Board reconsider its decision. Additionally, a final decision by the Board may be appealed to the District of Columbia Superior Court pursuant to D.C. Official Code §§ 1-605.2(12) and 1-617.13(c), which provides 30 days after a decision is issued to file an appeal.