

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 formal 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**

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)
In the Matter of:)
)
American Federation of State, County)
and Municipal Employees, D.C. Council 20,)
Local 2401, AFL-CIO,)
)
) Petitioner,)
)
) and) PERB Case No. 98-RC-03)
) Opinion No. 567)
Department of Human Services,)
Management Support Services,)
Office of Information Systems,)
)
) Agency.)
_____)

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

On April 7, 1998, the American Federation of State, County and Municipal Employees, D.C. Council 20, Local 2401 (AFSCME) filed a Recognition Petition with the Public Employee Relations Board (Board) seeking to represent, for purposes of collective bargaining, a unit of non-professional employees employed by the District of Columbia Department of Human Services (DHS) in Management Support Services, Office of Information Systems. The Petition was accompanied by a showing of interest meeting the requirement of Board Rule 502.2. The Petitioner subsequently filed a Roster of Petitioner's Officers and a copy of Petitioner's Constitution and Bylaws, as required by Rule 501.1(d). The Office of Labor Relations and Collective Bargaining (OLRCB), on behalf of DHS, filed a response to the Petition.

Notices concerning the Petition were issued on June 1, 1998, for conspicuous posting for fifteen (15) consecutive days where employees in the proposed unit are located. OLRCB confirmed in writing that said Notices had been posted accordingly. Requests to intervene or comments on the Petition were required to be filed in the Board's office not later than June 29, 1998. No requests to intervene were received.

Decision on Unit Determination
and Direction of Election
PERB Case No. 98-RC-03
Page 2

The unit sought by AFSCME is as follows:

"All non-professional employees employed by the D.C. Department of Human Services under the Management Support Services, Office of Information Systems; excluding management officials, supervisors, confidential employees, 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 § 1-618.9(a) 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.

Our review of the Petition, attached exhibits and the Response reveals the following concerning the proposed unit. The unit currently consists of the following employee positions: computer programmers, computer operators, system analysts, system programmers, computer information specialists, account technicians and clerical employees. They all share a common organizational structure and mission within the Department of Human Services. No other labor organization represents these employees. There is no collective bargaining agreement in effect covering any of these employees.

In view of the above, sufficient factors exist for the Board to find that these employees meet the Comprehensive Merit Personnel Act's community of interest criteria, as codified under D.C. Code § 1-618.9(a), for finding an appropriate unit. OLRCB does not contend that the unit of employees that share a community of interest and a common purpose and mission would impede effective labor relations and efficiency of agency operations within DHS. Therefore, we so find. See, e.g., American Federation of State, County and Municipal Employees, D.C. Council 20, AFL-CIO and Commission on Mental Health Services, Dept of Human Services, 38 DCR 5039, Slip Op. No. 278, PERB Case No. 90-R-01 (1991).

To resolve 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 AFSCME for purposes of collective bargaining with DHS on compensation and other terms and conditions of employment. Employees shall indicate their choice on ballots as to whether they desire to be represented for bargaining on

CERTIFICATE OF SERVICE

This is to certify that the attached Decision on Unit Determination and Direction of Election in PERB Case No. 98-RC-03 was sent via facsimile and/or mailed (U.S. Mail) to the following parties on the 9th day of November, 1998.

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Namsoo M. Dunbar
Deputy Executive Director

compensation and other terms and conditions of employment by AFSCME.

ORDER

IT IS HEREBY ORDERED THAT:

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

"All non-professional employees employed by the D.C. Department of Human Services under the Management Support Services, Office of Information Systems; excluding management officials, supervisors, confidential employees, 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."

2. Furthermore, an election shall be held in accordance with the provisions of D.C. Code Sec. 1-618.10 and Sections 510-515 of the Rules of the Board to determine whether or not all eligible employees desire to be represented for bargaining on compensation and other terms and conditions of employment by the American Federation of State, County and Municipal Employees, D.C. Council 20, Local 2401, AFL-CIO.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD
Washington, D.C.

November 9, 1998