

GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of:

The Washington Teachers' Union,
Local 6, American Federation of Teachers,
AFL-CIO,

Petitioner,

and

The District of Columbia Public Schools,

Agency/Employer.

PERB Case No. 85-R-04
Opinion No. 113

DECISION AND ORDER

On February 25, 1985 the Washington Teachers' Union, Local 6, AFL-CIO (WTU) filed with the District of Columbia Public Employee Relations Board (Board) a petition to consolidate two collective bargaining units representing classroom teachers (known as "ET" employees) and trade school teachers (known as "EG" employees) which are employed by the District of Columbia Public Schools (DCPS). There are approximately 5,759 employees in the ET Unit. Most of these employees work in one of the 173 DCPS academic elementary, junior high or high schools. There are approximately 130 employees in the EG Unit. Most of these employees work in one of 12 DCPS career centers and adult education centers designed to provide both students and adults the opportunity to develop special skills in non-academic occupations, such as the building and construction trades. The ET Unit was certified May 8, 1967. The EG Unit was certified August 30, 1982. Both units are currently represented by WTU, although WTU is being challenged for representation of the ET Unit by the District of Columbia National Education Association. On March 21, 1985, DCPS filed comments with the Board contending that the petition is "ill-advised" and "without merit." DCPS requests that the Board dismiss the petition.

The issue before the Board is whether a consolidated unit of both classroom teachers and trade school teachers is appropriate for collective bargaining in the District of Columbia.

WTU contends that the proposed consolidated unit is appropriate because the employees in both units are "performing similar duties but are governed by different work rules." WTU further contends that because the 130 employees in the EG Unit are doing the same work as the employees in the larger ET Unit, there is no longer a rational basis for separate and unequal treatment of the two groups. WTU also contends that consolidation of the two units would simplify administration for both the union and management.

In its opposition DCPS contends, essentially, that there is no "community of interest" between the two units as required by the Comprehensive Merit Personnel Act (D.C. Code Section 1.618.9(a)). DCPS makes the following arguments in support of its position:

1. DCPS contends that employees in the ET unit are certified by their academic credentials in accordance with established academic standards. By contrast, employees in the EG unit are hired based on their specialized work experience and do not usually have any academic credentials.
2. The ET unit employees have a 10 month work year and do not earn annual leave while EG unit employees have a 12 month work year and earn annual leave.
3. The ET unit salary schedule is based on longevity and academic achievements while the EG unit salary schedule, formerly the federal GS schedule, provides for regular step increases in salary.
4. The ET unit uses the Teachers Retirement System while the EG unit uses the Civil Service Retirement System.
5. The ET unit has an 18 year bargaining history as a separate unit while the EG unit has no bargaining history.

The Board has reviewed this matter and finds that the proposed consolidated unit is not appropriate for collective bargaining because there is an insufficient community of interest between the employees in the two units. Accordingly, the petition is denied.

O R D E R

IT IS ORDERED THAT:

The Petition for Consolidation is hereby denied.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD
May 30, 1985