

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:)	
)	
Service Employees International Union,)	
Local 500)	
)	PERB Case No. 13-RC-06
Petitioner,)	
and)	Opinion No. 1464
)	
University of the District of Columbia)	
)	
Respondent.)	
_____)	

DECISION AND ORDER

I. Statement of the Case

On September 30, 2013, the Service Employees International Union, Local 500 (“SEIU” or “Petitioner”), in accordance with Section 502 of the Board Rules, filed a Recognition Petition (“Petition”). The Petitioner seeks to represent, for purposes of collective bargaining:

Including, all part-time faculty paid by the course, employed by the University of the District of Columbia;

But Excluding (sic) all other employees, full-time faculty, visiting faculty, full-time employees, graduate students, lab assistants, graduate assistants, teaching associates, clinical fellows, teaching fellows, teaching assistants, research assistants, administrators regardless of whether they have teaching responsibilities, deans, registrars, volunteers, managerial employees and supervisors.

(Petition at 1). The Petition was accompanied by a showing of interest meeting the requirement of Board Rule 502.1. On December 11, 2013, a Notice was issued by PERB to the University of

the District of Columbia (“UDC” or “Respondent”). The matter was referred to Hearing Examiner Leonard M. Wagman (“Hearing Examiner”), who issued a Report and Recommendation.

After several informal conferences with the parties and receiving the parties’ positions on the type of election the Executive Director determined that a mail ballot election was the most effective and efficient manner of voting that effectuated the purposes of the CMPA.

II. Hearing Examiner’s Report and Recommendation

On April 9, 2014, a hearing was held. The Parties stipulated to the following bargaining unit:

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.

(Report at 2). No issues were raised by the Parties before the Hearing Examiner. The Hearing Examiner recommended that the Board order an election for the above-described unit. (Report at 2-3).

III. Discussion

The Board determines whether the Hearing Examiner’s Report and Recommendation is “reasonable, supported by the record, and consistent with Board precedent.” *American Federation of Government Employees, Local 1403 v. District of Columbia Office of the Attorney General*, 59 D.C. Reg. 3511, Slip Op. No. 873, PERB Case No. 05-U-32 and 05-UC-01 (2012). The Board will affirm a hearing examiner’s findings if they are reasonable and supported by the

record. *See American Federation of Government Employees, Local 872 v. D.C. Water and Sewer Authority*, Slip Op. No. 702, PERB Case No. 00-U-12 (2003).

The Board finds the Hearing Examiner's findings and recommendation is reasonable and supported by the record. Therefore, the Board adopts the Hearing Examiner's recommendation.

ORDER

IT IS HEREBY ORDERED THAT:

1. The following unit is 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.

2. A mail ballot election shall be held 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.
3. Pursuant to Board 559.1, this Decision and Order is final upon issuance.

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

April 30, 2014

CERTIFICATE OF SERVICE

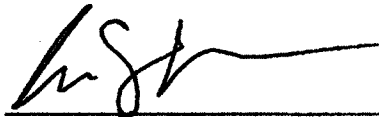
This is to certify that the attached Decision and Order in PERB Case No. 13-RC-06 was transmitted to the following Parties on this the 1st day of May, 2014:

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