

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of:

The National Education Association - D.C.,

Petitioner,

and

The District of Columbia Public Schools,  
Agency,

and

The Washington Teachers' Union,  
AFT (AFL-CIO),

Union.

PERB Case No. 85-R-03  
Opinion No. 121

DECISION AND ORDER

On June 25, 1985, an election was conducted by the American Arbitration Association (AAA) to determine whether eligible employees of the D.C. Public Schools (DCPS) wanted to be represented by the National Education Association-District of Columbia (NEA-DC) or the incumbent, Washington Teachers' Union, Local 6, American Federation of Teachers' AFL-CIO (WTU) or whether they wanted no union representation.

On July 2, 1985, AAA forwarded the election results to the Public Employee Relations Board (Board). Those results were: WTU -3,647 votes, NEA-DC - 1,127 votes, no Union - 26 votes, and 6 void ballots.

On July 11, 1985, NEA-DC filed election objections. NEA-DC alleged that the following actions occurred and may have improperly affected the results of the election:

1. A WTU campaign flyer regarding the status of employees if the NEA-DC should win was mailed too late for the NEA-DC to respond.

The Board finds that the subject of the campaign flyer in question was discussed by both labor organizations throughout the campaign.

2. "There was no procedure in place which prevented a voter from casting a ballot at the polling site where his or her name was on the list and then voting at another polling site."

Any voter who casted a ballot at a site where their name was not listed was required to vote a challenged ballot. The Board finds that there is no proof of any improper voting practices that could have affected the results of the election.

3. There was improper transportation of the ballot boxes by AAA from the voting sites to the site of the ballot count, and a possibility of tampering with the ballot boxes.

The Board finds that there is no evidence to support this allegation. The ballot boxes were always under the scrutiny of AAA employees and no boxes were improperly opened.

4. The use of the challenged ballot procedure discouraged many voters from voting.

The Board finds no evidence to support the allegation.

5. Delivery of a list of the teachers on leave of absence to NEA-DC on the day before the election was improper, and that the list was inaccurate.

The delivery of such a list was not a requirement of the election agreement. Both unions were on notice that the D.C. Public Schools could not verify the list with 100% accuracy because the list was supplied on three days notice. There is no proof that the list was inaccurate.

6. Notices of the election were posted either late or not at all at several school facilities.

The Board finds that the election notices were posted at least twice throughout the school facilities. Special supplemental notices from the school Superintendents' office were posted to notify teachers that they would have reasonable time off to vote on the election day.

7. Teachers attending a workshop at Friendship Educational Center were not allowed the same hours for voting as others and were discouraged from voting.

The Board finds that all bargaining unit employees attending the workshop were given adequate opportunity to vote.

8. WTU was permitted to have access to teachers at any time during the day during the campaign period under the guise of contract administration while NEA-DC campaigning was restricted.

The Board finds that the two unions' campaign activities were equally restricted according to the rules.

9. WTU President Harold Fisher was observed campaigning at some election sites contrary to the election rules.

The Board finds no evidence that Harold Fisher's activities were improper.

After a complete review, the Board concluded that the evidence is insufficient to support the allegations by NEA-DC that actions alleged herein may have affected the outcome of the election.

O R D E R

IT IS ORDERED THAT:

The election objections filed by NEA-DC be dismissed and the election results as reported by the AAA, be certified.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD  
October 2, 1985