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**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
PUBLIC EMPLOYEE RELATIONS BOARD**

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<b>In the Matter of:</b>	)	
	)	
	)	
<b>Teamsters Local Union No. 922, a/w International Brotherhood of Teamsters,</b>	)	PERB Case No. 22-RC-02
	)	
<b>Petitioner,</b>	)	Opinion No. 1821
	)	
<b>and</b>	)	
	)	
	)	
<b>District of Columbia Public Schools,</b>	)	
	)	
<b>Respondent.</b>	)	

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**DECISION AND ORDER ON UNIT DETERMINATION  
AND VOLUNTARY RECOGNITION**

**I. Statement of the Case**

On April 14, 2022, Teamsters Local Union No. 922 (Petitioner) filed a petition for exclusive recognition and a noncompensation unit determination (Petition)<sup>1</sup> seeking to represent full-time School Police Officers employed by the District of Columbia Public Schools (DCPS) for the purpose of collective bargaining.

On May 10, 2022, as required by Board Rule 503.2, DCPS provided a list of all employees in the proposed unit.<sup>2</sup> In addition to the employee list, DCPS filed comments.<sup>3</sup> In its comments, DCPS requested that the Board dismiss the Petition on the grounds that the proposed unit included

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<sup>1</sup> As required by Board Rule 503.1, the Petition was accompanied by a copy of Teamsters Local Union No. 922 bylaws and a roster of officers. In addition, the Petitioner submitted evidence of the employees' showing of interest in Teamsters Local Union No. 922 as their exclusive representative for collective bargaining. Pursuant to Board Rule 503.4, the Executive Director determined that the Petitioner had made the requisite showing of interest.

<sup>2</sup> Exhibit 1 to Agency's Response to and Comments on Union's Petition for Exclusive Recognition.

<sup>3</sup> After receiving DCPS's Comments, on May 24, 2022, the Executive Director issued DCPS instructions to post a Notice of Petition pursuant to Board Rule 503.10. On June 1, 2022, DCPS filed a status update indicating that it had posted the required notice in all required locations on May 31, 2022. The Board did not receive any requests to intervene in the Petition.

employees explicitly excluded from eligibility for representation by D.C. Official Code § 1-617.09(b)(7) as Educational Service employees serving without tenure.<sup>4</sup> DCPS agreed that the employees within the proposed unit shared a community of interest with each other, but argued that “the Union fails to assert that the positions in the proposed unit share a community of interest with the positions represented by the Union.”<sup>5</sup>

On August 23, 2022, DCPS filed a motion to withdraw its objections and requested that the Board issue a decision based on the parties’ stipulations and joint exhibits.<sup>6</sup>

For the reasons stated herein, the Board finds the proposed unit appropriate for collective bargaining and permits DCPS to voluntarily recognize, without an election, Teamsters Local Union No. 922 as the collective bargaining representative of the proposed unit.

## **II. Hearing Examiner’s Report and Recommendations**

### **A. Issues Presented to the Hearing Examiner**

The Hearing Examiner considered the parties’ arguments.<sup>7</sup> The parties provided the Hearing Examiner with a list of fourteen (14) stipulations.<sup>8</sup> The parties stipulated that “[t]he Board should grant the Petition, certify the Petitioner as the exclusive representative of the employees in the petitioned-for bargaining unit and approve DCPS to recognize [the] Petitioner as the exclusive representative of the employees in the petitioned-for bargaining unit without an election pursuant to PERB Rules 503.15(f) and 503.17.”<sup>9</sup>

### **B. Hearing Examiner’s Recommendations**

The Hearing Examiner determined that the employees in the proposed bargaining unit shared a community of interest, that the proposed unit was appropriate for collective bargaining, and that DCPS affirmatively stated that it would voluntarily recognize the proposed bargaining

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<sup>4</sup> Comments at 3. After DCPS filed its Comments, the Board decided another case that clarified some exemptions from the statutory exclusion of Educational Service employees. *See AFGE Local 631 and OSSE*, 69 D.C. Reg. 0151, Slip Op. No. 1816 at 3, PERB Case No. 22-RC-01 (2022).

<sup>5</sup> Comments at 3.

<sup>6</sup> Motion to Withdraw Respondent’s Objections to Recognition Petition at 1.

<sup>7</sup> On August 23, 2022, the parties agreed that they would submit briefs in lieu of a hearing, as no facts were in dispute, and requested to cancel the hearing. Report at 2-3.

<sup>8</sup> Report at 3.

<sup>9</sup> Report at 5. The Report contained summaries of the stipulations, which also included: (1) that none of the employees in the proposed bargaining unit are supervisors, management officials, or any other classification of employee excluded by D.C. Code §§ 1-617.01(d) or 1-617.09(b); (2) that no other labor organizations have claimed recognition of any employees in the proposed bargaining unit; (3) that no collective bargaining agreement in effect covers the employees in the proposed bargaining unit; (4) that the employees in the proposed bargaining unit share a community of interest; and (5) that there are no issues to be resolved at a hearing. Report at 4-5.

unit.<sup>10</sup> The Hearing Examiner further recommended that the Board approve the Petition without an election if the Petitioner had provided sufficient evidence of majority status.<sup>11</sup>

### **III. Discussion**

D.C. Official Code § 1-617.09(a) states that the determination of an appropriate unit will be made on a case-to-case basis and will be made on the basis of a properly supported request from a labor organization. In order for the Board to find a unit appropriate for collective bargaining over terms and conditions of employment, that unit must have the essential ingredient of a shared community of interest amongst employees. An appropriate unit must also promote effective labor relations and efficient agency operations.<sup>12</sup>

After reviewing the record and the Hearing Examiner's Report and Recommendations, the Board adopts the Hearing Examiner's findings on the appropriateness of the Petitioner's proposed bargaining unit.<sup>13</sup> The Board finds that the proposed unit comprises twelve (12) employees working as School Police Officers who share a community of interest and that the unit will promote effective labor relations and efficient agency operations.<sup>14</sup>

In the present case, the parties have stipulated that DCPS would voluntarily recognize the Petitioner as the representative.<sup>15</sup> The Executive Director has determined that a majority of the employees in the proposed bargaining unit desire to be represented by the Petitioner according to the submitted showing of interest.

Board Rule 503.17 provides, in relevant part, that "the Board may permit the employing agency to recognize the labor organization without an election on the basis of evidence that demonstrates majority status (more than a 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." Therefore, the Board finds that an election is unnecessary.

### **IV. Conclusion**

The Board finds in all other respects that the requirements of D.C. Official Code § 1-617.10(b)(1) and Board Rule 503.17 have been met. Based upon its review of this matter, the Board concludes that the proposed unit is appropriate for collective bargaining. A certification of representation shall be granted to the Petitioner without an election.

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<sup>10</sup> Report at 6.

<sup>11</sup> Report at 6-7.

<sup>12</sup> See D.C. Official Code § 1-617.09(a).

<sup>13</sup> The parties did not file exceptions.

<sup>14</sup> Petition at 2.

<sup>15</sup> Report at 6.

**ORDER**

**IT IS HEREBY ORDERED THAT:**

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

All full-time School Police Officers employed by the District of Columbia Public Schools in the public schools, excluding managers, supervisors, confidential employees, or any employees engaged in personnel work other than in a purely clerical capacity, and 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. Pursuant to D.C. Official Code § 1-617.10(b)(1) and in accordance with Board Rule 503.17, the District of Columbia Public Schools is approved to voluntarily recognize, without an election, Teamsters Local Union No. 922 as the bargaining representative of the unit found to be appropriate above.
3. The attached Certification of Representative is granted to Teamsters Local Union No. 922 as the exclusive collective bargaining representative for the above-described unit for collective bargaining over terms and conditions of employment.
4. 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.

October 20, 2022  
**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.