

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:	)	
	)	
American Federation of State, County &	)	
Municipal Employees, District 20	)	
	)	PERB Case No. 24-RC-04
Petitioner	)	
	)	Opinion No. 1921
and	)	
	)	
	)	
D.C. Department of Aging and	)	
Community Living	)	
	)	
Respondent	)	
	)	

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

I. Statement of the Case

On June 13, 2025, the American Federation of State, County & Municipal Employees, District 20 (Petitioner), and the District of Columbia Department of Aging and Community Living (DACL) filed a consent motion to grant petition for exclusive recognition (Consent Motion).¹ In the Consent Motion, the parties requested that the Board issue a decision based on the parties' stipulations and joint exhibits.²

¹ Motion at 1. Previously, on August 1, 2024, AFSCME filed a petition for exclusive recognition (Petition) of a new bargaining unit at DACL for the purpose of collective bargaining. Petition at 1. On August 8, 2024, as required by Board Rule 503.2, DACL provided a list of all employees in the proposed unit. Comments at 1-5. DACL also submitted comments in response to the Petition, which the Agency later withdrew in the Consent Motion. Consent Motion at 1. On March 26, 2025, the parties submitted a consent motion to postpone a scheduled April 1, 2025, hearing because the parties had "agreed to a settlement in principle to resolve their dispute regarding the appropriateness of the proposed unit and [were] in the process of exchanging drafts of an agreement." Consent Motion to Postpone at 1.

² Motion to Withdraw Respondent's Objections to Recognition Petition at 1.

For the reasons stated herein, the Board finds the proposed unit appropriate for collective bargaining and permits DACL to voluntarily recognize, without an election, AFSCME, District 20 as the collective bargaining representative of the proposed unit.

II. 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.³

After reviewing the pleadings, the Board finds that the Petitioner's proposed bargaining unit is appropriate for bargaining. Considering the withdrawal of DACL's comments and the Consent Motion, the parties have effectively stipulated that, while the Petitioner currently represents certain employees in the proposed unit already, there are no other known labor organizations claiming recognition of any of the employees in the proposed unit.⁴ The Board finds that the proposed unit comprises ninety-seven (97) employees employed by DACL who share a community of interest and that the unit will promote effective labor relations and efficient agency operations.⁵

In the present case, the parties have stipulated that DACL would voluntarily recognize the Petitioner as the representative.⁶ The Executive Director has determined that a majority of the employees—as well as a majority of professional employees—in the proposed bargaining unit desire to be represented by the Petitioner according to the submitted showings 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.” Board Rule 503.17(a) requires that if a “proposed unit contains professionals and nonprofessionals, recognition without an election may be permitted only if a majority of the professional employees petition for inclusion in the unit. As the parties have met the full conditions of Board Rule 503.17, the Board finds that an election is unnecessary.

³ D.C. Official Code § 1-617.09(a).

⁴ Petition at 2.

⁵ Consent Motion at 2-4.

⁶ Consent Motion at 1-2.

III. 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.

ORDER

IT IS HEREBY ORDERED THAT:

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

All professional and non-professional employees employed by the District of Columbia Department of Aging and Community Living, excluding all management officials, supervisors, confidential employees, employees who are covered by another union's certification, 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 Department of Aging and Community Living is approved to voluntarily recognize, without an election, the American Federation of State, County and Municipal Employees, District Council 20, as the bargaining representative of the unit found to be appropriate above;
3. The attached Certification of Representative is granted to the American Federation of State, County and Municipal Employees, District Council 20 as the exclusive collective bargaining representative for the above-described unit for collective bargaining over terms and conditions of employment; and
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.

July 17, 2025

Washington, D.C.

APPEAL RIGHTS

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 file an appeal.