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

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In the Matter of: )

American Federation of State, )  
County, and Municipal Employees, )  
D.C. Council 20, Local 2401, )

Petitioner, )

and )

Department of Human Services, )

Agency. )

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PERB Case No. 95-RC-14  
Opinion No. 447

**DECISION ON UNIT DETERMINATION  
AND DIRECTION OF ELECTION**

On April 19, 1995, American Federation of State, County, and Municipal Employees, D.C. Council 20, Local 2401 (AFSCME) filed a Recognition Petition with the Public Employee Relations Board (Board). AFSCME seeks to represent, for purposes of collective bargaining, a unit of professional and non-professional employees employed by the Department of Human Services (DHS) in the Office of Contracts, Grants and Procurement. The Petition was accompanied by a showing of interest meeting the requirement of Board Rule 502.2, and a Roster of Petitioner's Officers and a copy of Petitioner's Constitution and Bylaws, as required by Rule 501.1(d).

The Office of Labor Relations and Collective Bargaining (OLRCB), on behalf of the Department of Human Services, filed a response to the Petition. Notices concerning the Petition were issued on May 26, 1995, for posting in accordance with Board Rule 502.6. The Notice required that requests to intervene or comments be filed in the Board's office not later than June 28, 1995. OLRCB confirmed in writing that said Notices had been posted accordingly.

The unit sought by AFSCME is as follows:

"[A]ll professional and non-professional employees in the Office of Contracts, Grants and Procurement; excluding internal affairs employees, management, supervisors,

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confidential employees, employees engaged in personnel work other than in purely clerical capacities, 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."<sup>1/</sup>

D.C. Code § 1-618.9(a) requires that a community of interest exist among employees for a unit to be found appropriate by the Board for collective bargaining over terms and conditions of employment. An appropriate unit must also promote effective labor relations and efficiency of agency operations.

Our review of the Petition, Response and attached exhibits reveals that the unit currently consists of approximately 59 employees occupying the following job classifications or positions: contract specialists, grant specialists, procurement analysts, clerks, clerk-typists and drivers. They all share a common mission and organizational structure, i.e., Office of Contracts, Grants and Procurement, as well as common supervision. No other labor organization represents these employees. There is no collective bargaining agreement in effect covering any of these employees. OLRCB had no issues concerning the appropriateness of the unit.<sup>2/</sup>

In view of the above, sufficient factors exist for the Board to find that these employees share a community of interest. Such a unit of employees sharing a common purpose with respect to one of DHS's missions and common supervision would, in our view, promote effective labor relations and efficiency of agency operations.

To resolve the question concerning representation, the Board

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<sup>1/</sup> AFSCME originally sought a unit of professional and non-professional employees in the Office of Contracts, Grants and Procurement and the Office of Investigation and Compliance that did not expressly exclude internal affairs employees. On July 17, 1995, AFSCME amended its Petition to exclude the latter group of employees as well as internal affairs employees. AFSCME filed a separate petition seeking to represent employees in the Office of Investigation and Compliance as a separate collective bargaining unit in PERB Case No. 95-RC-17.

<sup>2/</sup> Initially, OLRCB opposed the unit as originally described as not appropriate on several grounds. However, when AFSCME amended the Petition, the issues raised by OLRCB were resolved. (See n. 1.)

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orders that an election be held to determine the will of the eligible employees in the unit described above regarding their desire to be represented by AFSCME for purposes of collective bargaining with DHS on compensation and other terms and conditions of employment. To conform with the requirements of D.C. Code Sec. 1-618.9(b)(5), concerning the inclusion of professional employees and non-professional employees in the same unit, and consistent with Board Rule 510.5, eligible professional employees shall indicate their choice on separate ballots as to (1) Whether they desire to be represented for bargaining on terms and conditions of employment by AFSCME; and (2) Whether they wish to be included in the consolidated unit with the non-professional employees. Eligible non-professional employees, in the same election, shall indicate their choice only as to the former question.<sup>3/</sup>

**ORDER**

**IT IS HEREBY ORDERED THAT:**

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

"[A]ll professional and non-professional employees in the Office of Contracts, Grants and Procurement; excluding internal affairs employees, management, supervisors, confidential employees, employees engaged in personnel work other than in purely clerical capacities, 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."

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<sup>3/</sup> AFSCME originally sought a unit of professional and non-professional employees in the Office of Contracts, Grants and Procurement and the Office of Investigation and Compliance that did not expressly exclude internal affairs employees. On July 17, 1995, AFSCME amended its Petition to exclude the latter group of employees as well as internal affairs employees. AFSCME filed a separate petition seeking to represent employees in the Office of Investigation and Compliance as a separate collective bargaining unit in PERB Case No. 95-RC-17.

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2. Furthermore, an election shall be held in accordance with the provisions of D.C. Code Sec. 1-618.10 and Sections 510-515 of the Rules of the Board to determine whether or not (1) all eligible employees desire to be represented for bargaining on terms and conditions of employment by the American Federation of State, County and Municipal Employees, Local 2401, AFL-CIO; and (2) eligible professional employees wish to be included in the consolidated unit with the non-professional employees. Eligible non-professional employees, in the same election shall indicate their choice only as to the former question.

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

August 15, 1995