

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of:	)	
	)	
District Council 20,	)	
American Federation of State,	)	
County and Municipal Employees,	)	
AFL-CIO,	)	PERB Case No. 88-R-10
	)	Opinion No. 204
Petitioner,	)	
	)	
and	)	
	)	
Washington Convention Center,	)	
	)	
Agency.	)	
	)	

DECISION AND ORDER OF ELECTION

On August 4, 1988, District Council 20, American Federation of State County and Municipal Employees, AFL-CIO (AFSCME) filed a Recognition Petition with the District of Columbia Public Employee Relations Board (Board) seeking the exclusive right to represent employees of the Security Division of the Washington Convention Center (WCC). The Petition was properly accompanied by a showing of interest meeting the requirements of Section 101.2 of the Interim Rules of the Board.

Notices concerning the Petition were posted on August 19, 1988. WCC submitted comments concerning the Petition proposing

a unit description which it considered more appropriate for purposes of collective bargaining. <sup>1/</sup> WCC objected to representation by AFSCME of both security officers and non-security officers at the same facility, claiming a potential conflict of interest by analogy to the private sector, where such representation is prohibited by Section 9(b)(3) of the National Labor Relations Act. No other objections or requests to intervene were filed with the Board in response to the Notice.

By letter dated November 22, 1988, AFSCME agreed to the unit description proposed by WCC. WCC subsequently withdrew its objection to representation by AFSCME of security officers and non-security officers at the same facility. While the issue of voluntary recognition has arisen, as evidenced by correspondence by the parties with the Board, the parties have not requested that the Board permit WCC, in accordance with Board Interim Rule 102.1. to recognize AFSCME as the exclusive representative without and election.

The Board has reviewed the pleadings and the file in IBEW, Local 26, supra, and finds as follows.

Subsequent to its certification as exclusive representative, IBEW, Local 26 notified the Board in writing, on June 23, 1987, that it disclaimed interest in representing employees in the unit at WCC, which is almost identical to the one proposed by AFSCME. There is no evidence before us of a collective bargaining agreement between WCC and IBEW, Local 26, covering the employees in

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<sup>1/</sup> WCC noted that AFSCME is now seeking to represent a unit similar to that previously found appropriate for bargaining, for which the International Brotherhood of Electricians, Local 25, was certified as the exclusive representative. See IBEW, Local 26 and Washington Convention Center, 34 DCR 3499, Opinion No. 153, PERB Case No. 86-R-04 (1987); Certification No. 41 (1987). That unit was described thus:

"All full-time security guards employed at the Washington Convention Center excluding casual and part-time employees, supervisors, professional employees, management officials confidential employees, employees engaged in personnel work in other than purely clerical capacities and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978."

question, nor any other proof that the IBEW continues to represent these employees. Thus, Board Interim Rules 101.8(a) and (b) do not bar processing of the instant petition.<sup>2/</sup> IBEW did not seek to intervene or submit comments in response to the posted notice concerning the Petition.

In IBEW, Local 26 and Washington Convention Center, supra, the Board found a unit of security officers appropriate for collective bargaining for compensation and terms and conditions of employment. The unit proposed by WCC and agreed to by AFSCME contains only de minimis changes from the unit which was previously certified by the Board. Therefore, we treat the present parties' proposal to the unit as a request for modification or amendment of the 1987 unit description (set forth in footnote 1) and grant the request. The following unit is appropriate for collective bargaining for terms and conditions of employment and for compensation:

All regular full-time Security Officers employed by the Washington Convention Center Security Department excluding professional employees, the Chief of Security, the Assistant Chief of Security, Shift Supervisors, other managerial or supervisory employees, confidential employees, clerical employees, part-time or casual employees, and any employees engaged in personnel work in other than

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<sup>2/</sup> Board Rule 101.8:

A petition for exclusive recognition shall be barred if:

- (a) a valid majority status determination has been conducted for substantially the same appropriate bargaining unit during the previous twelve (12) months, or a certification of representative has been issued;
- (b) there is an existing labor-management agreement covering the employees in the proposed unit, Provided That a petition may be filed during the period between the 120th day and the 60th day before the expiration of an agreement having a duration of less than three years or after 975 days for an agreement having a duration of three years or more.

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purely clerical capacities, and employees engaged in administering the provisions of Subchapter XVII of the Comprehensive Merit Personnel Act of 1978.

To resolve the question concerning representation, the Board orders that an election be held to determine the will of the eligible employees in the unit described above regarding representation for collective bargaining with WCC.

ORDER

IT IS ORDERED THAT:

An election be held pursuant to Section 102 of the Interim Rules of the Board to determine whether or not these employees wish to be represented by AFSCME, for purposes of collective bargaining for compensation and for other terms and conditions of employment.

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

February 10, 1989