

GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD

In the matter of:

American Federation of
Government Employees, Local 2978,
AFL-CIO,

Petitioner,

and

D.C. Department of
Human Services,

Agency.

PERB Case No. 89-R-04
Opinion No. 236

DECISION AND ORDER OF ELECTION

On June 2, 1989 the American Federation of Government Employees, Local 2978, AFL-CIO (AFGE) filed a Recognition Petition with the Public Employee Relations Board (Board) seeking the exclusive right to represent non-professional DS-grade payroll clerks employed in the Office of the Controller, Administrative Office, Department of Human Services (DHS). The Petition was properly accompanied by a showing of interest meeting the requirements of Section 101.12 of the Interim Rules of the Board.

Notices concerning the Petition were posted on June 12, 1989. DHS submitted comments concerning the Petition, wherein it opposed the Petition for the following reasons: (1) the payroll clerks are confidential employees who should be excluded from the proposed bargaining unit; (2) the majority of the divisions in the Office of the Controller are currently organized and a small bargaining unit such as the one proposed would unnecessarily fragment the organization; and (3) the proposed unit would inhibit management's ability to communicate during collective bargaining and thus would not promote effective labor relations or the efficiency of agency operations. There were no requests to intervene or other objections filed in response to the Petition.

A duly noticed hearing was conducted on September 18, 1989. During the hearing DHS withdrew its objections and the parties stipulated to an appropriate unit eligible for representation by AFGE, Local 2978 described as follows:

"All non-professional DS payroll clerks employed in the Office of the Controller, Administrative Office, Department of Human Services; excluding all management officials, confidential employees, supervisors, any employee engaged in personnel work in other than a purely clerical capacity and any employee engaged in administration of the provisions of Title XVII Labor Management Relations of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139."

The Hearing Examiner, in his Report and Recommendations, found that "[t]he work is confidential to the extent that employees are not to provide the payroll information to other than authorized personnel, but it has no relationship to labor relations policy matters or to negotiations of a collective bargaining agreement." The Hearing Examiner also observed that "[a]ll payroll clerks work under the supervision of the Controller of the Department, have common working conditions, and are subject to the same personnel policies. Other than differences regarding the complexity of the work, all perform similar duties -- with more complex work performed by the higher graded employees." (Report and Recommendation p.2).

The Hearing Examiner therefore found that a community of interest exists among the employees of the proposed unit on the basis of these common skills, working conditions, supervision and also because the employees work in the same location and perform functions distinguishable from other employees in the Department. According to the Report and Recommendation, the proposed unit will promote efficiency of agency operations and effective dealings.

Having concluded its investigation and review of the record in the matter, the Board concurs with the Hearing Examiner's findings that a community of interest exists among employees in the proposed unit and that the unit will promote effective labor relations and the efficiency of agency operations. Therefore, the Board concludes that the above-described unit meets the requirements for an appropriate unit for collective bargaining over terms and conditions of employment and directs that an election should be held to determine the will of the eligible employees concerning representation in collective bargaining with DHS.

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ORDER

IT IS ORDERED THAT:

An election be held pursuant to Section 102 of the Interim Rules of the Board to determine whether the employees in the unit described above wish to be represented by AFGE, Local 2978, or not, for purposes of collective bargaining over terms and conditions of employment.

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

October 31, 1989