

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of:	)	
	)	
American Federation of Government	)	
Employees, Local 3871,	)	PERB Case No. 83-R-04
	)	Opinion No. 64
Petitioner,	)	
	)	
and	)	
	)	
District of Columbia Commission	)	
on the Arts and Humanities,	)	
	)	
Respondent.	)	
	)	

DECISION AND ORDER

On March 28, 1983, Local 3871 of the American Federation of Government Employees (AFGE) filed a Recognition Petition seeking to represent all employees of the District of Columbia Commission on the Arts and Humanities (Employer). AFGE contended that the proposed unit consists of seven employees.

On April 15, 1983, the Employer filed comments with the Board taking exception to the proposed unit for the following reasons:

1. The proposed unit consists of only three eligible employees. A unit of such small size does not promote effective labor relations or efficiency of the agency's operations as required by D.C. Code Section 1-618.9.
2. Two of the four showing of interest cards submitted by AFGE were signed by ineligible employees.
3. Two of the three eligible employees in the proposed unit are in federally funded positions which must be reviewed for renewal each year. Yearly uncertainty of the availability of these positions undermines the stability of the proposed unit.

The Employer has nine full-time employees in the agency. Three employees; the Executive Director, the Deputy Director and the Fiscal Officer, are clearly management officials ineligible for inclusion in the unit. Two other employees, the Special Assistant to the Executive Director and the Secretary to the Executive Director, appear to be confidential employees within the meaning of the Comprehensive Merit Personnel Act (CMPA) and therefore, are ineligible for inclusion in the unit. Of the four remaining employees, three hold positions funded by annual grants to the agency from sources outside the District of Columbia Government. Only two of these employees expressed an interest in being a part of the proposed unit.

The Board denies the Petition. Of the nine employees in the agency, five are confidential employees. Two of the remaining four are in positions that are funded by annual grants from outside the agency and these grants may or may not be renewed. Most of the showing-of-interest cards are signed by ineligible employees. There is not an identified community of interest here among employees warranting their common representation for purposes of collective bargaining.

The Board does not by this action establish or suggest a minimum size for a representation unit. Its decision is based, rather, on the facts that so many of the showing-of-interest cards were signed by ineligible employees and that the outside funding arrangement casts serious doubt on the necessary community of interest element.

ORDER

IT IS ORDERED THAT:

The Recognition Petition of AFGE, Local 3871 is dismissed.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD  
August 18, 1983