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

In the Matter of:)	
)	
American Federation of Government)	
Employees, AFL-CIO,)	
)	
)	
Petitioner,)	
)	PERB Case No. 01-RC-03
and)	
)	Opinion No.657
District of Columbia Office of)	
the Corporation Counsel,)	
)	
Agency.)	
)	
)	
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)	

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

On March 26, 2001, the American Federation of Government Employees (AFGE), filed a Recognition Petition (Petition) with the Public Employee Relations Board (Board). AFGE seeks to represent, for purposes of collective bargaining, a unit of unrepresented attorneys employed by the Office of the Corporation Counsel. 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 Board Rule 502.1 (d).

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Notices concerning the Petition were issued on April 30, 2001, for conspicuous posting for fifteen (15) consecutive days where employees in the proposed unit are located at the Office of the Corporation Counsel. The Notices required that requests to intervene or comments be filed in the Board's office no later than June 4, 2001. The Office of the Corporation Counsel confirmed in writing that said Notices had been posted. Also, the Office of the Corporation Counsel does not dispute the appropriateness of the proposed bargaining unit pursuant to the criteria set forth under the Comprehensive Merit Personnel Act (CMPA) as codified under D.C. Code §1-618.9(a).

The unit sought by AFGE is as follows:

All attorneys employed by the Office of the Corporation Counsel excluding management officials, supervisors, confidential employees, employees engaged in personnel work in other than 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.

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 and attached exhibits reveals that the proposed unit consists of the employee position of attorney in the Office of the Corporation Counsel. These employees share a common mission. There is no other labor organization currently representing this group of employees.

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 would, in our view, promote effective labor relations and efficiency of agency operations, and thereby constitute an appropriate unit under the Comprehensive Merit Personnel Act.

Regarding the question of representation, the Board finds that an election should be held to determine the will of the eligible employees in the unit described above, regarding their desire to be represented by AFGE for purposes of collective bargaining with the Office of the Corporation Counsel on compensation and other terms and conditions of employment.

ORDER

IT IS HEREBY ORDERED THAT:

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

All attorneys employed by the Office of the Corporation Counsel excluding management officials, supervisors, confidential employees, employees engaged in personnel work in other than 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. A mail ballot election shall be held in accordance with the provisions of D.C. Code § 1-618.10 and Board Rules 510-515, in order to determine whether or not those employees who are eligible desire to be represented for purposes of collective bargaining on compensation and terms and conditions of employment, by the American Federation of Government Employees, AFL-CIO.

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

June 26, 2001

Certificate of Service

I hereby certify that the enclosed Decision and Order has been served on the parties listed below on this the 26 day of June by First Class Mail:

Peter F. Winch, Esq.
National Organizer
American Federation of Government
Employees, AFL-CIO
80 F Street, NW
Washington, DC 2001

Robert Rigsby, Esq.
Corporation Counsel
441 4th Street, NW
Suite 1060N
Washington, DC 20001

Chere Calloway, Esq.
Senior Deputy for Management and Operations
Office of the Corporation Counsel
441 4th Street, NW
Suite 1060N
Washington, DC 20001

Frank McDougald, Esq.
Chief, Personnel & Labor Relation Section
Office of the Corporation Counsel
441 4th Street, NW
Suite 1060N
Washington, DC 20001

Courtesy Copy:

Mary Leary, Esq.
Director
Office of Labor Relations &
Collective Bargaining
441 4th Street, NW
Suite 200
Washington, DC 20001


Alicia D. Williams
Summer Intern