

Notice: This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any errors so that they may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

**Government of the District of Columbia  
Public Employee Relations Board**

In the Matter of:	)	
	)	
National Association of Government Employees	)	PERB Case No. 18-RC-02
	)	
Petitioner	)	
	)	Opinion No. 1693
and	)	
	)	
District of Columbia Office of the Chief Medical Examiner	)	
	)	
Respondent	)	
	)	

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

On April 26, 2018, the National Association of Government Employees (“Petitioner”) filed a “Petition for Recognition” (“Petition”), seeking to represent the following proposed bargaining unit for the purpose of collective bargaining:

All non-professional employees employed by the District of Columbia Office of the Chief Medical Examiner, excluding all management officials, supervisors, confidential employees or any employees engaged in personnel work other than in 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.<sup>1</sup>

As required by PERB Rule 502.1(d), the Petition was accompanied by a roster of the Petitioner’s officers and a copy of Petitioner’s constitution and bylaws. In addition, the Petitioner submitted evidence of the employees’ showing of interest in having Petitioner as their exclusive representative for collective bargaining.

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<sup>1</sup> Petition at 1-2.

On October 5, 2018, as required by PERB Rule 502.3, the District of Columbia Office of the Chief Medical Examiner (“Agency”) submitted a list of employees. Pursuant to PERB Rule 502.4, the Board determined that the Petitioner met its showing of interest. A notice of the recognition petition was issued October 10, 2018. PERB Rule 502.6 requires that the notice be conspicuously posted for fourteen (14) consecutive days where employees in the proposed unit are located. No comments or requests for intervention were received by the Board.

The Comprehensive Merit Personnel Act, as codified in section 1-617.09(a) of the D.C. Official Code, 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.

After reviewing the Petition, the Board finds that a community of interest exists among the employees in the proposed bargaining unit and recognition of the unit would promote effective labor relations and efficiency of agency operations. The employees in the proposed unit are subject to the same organizational structure, working conditions, pay schedule, and supervision.<sup>2</sup> The unit was previously certified by the Board in PERB Case No. 10-RC-03, Certification No. 153.<sup>3</sup> Therefore, the Board finds that the proposed bargaining unit constitutes an appropriate unit under the Comprehensive Merit Personnel Act.

The employees in the proposed unit are currently represented by the Alliance of Independent Workers (“AIW”). There is no collective bargaining agreement in effect between the Agency and AIW. Although served with notice of this proceeding by Petitioner, AIW has not made any attempt to intervene in these proceedings. As a result, the Board orders that an election be held to determine the will of the eligible employees in the unit described above to be represented by the Petitioner, National Association of Government Employees, AIW, or no representative. The Board finds that an on-site ballot election is appropriate in this case.

## **ORDER**

### **IT IS HEREBY ORDERED THAT:**

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

All non-professional employees employed by the District of Columbia Office of the Chief Medical Examiner, excluding all management officials, supervisors, confidential employees or any employees engaged in personnel work other than in a purely clerical capacity and employees engaged in administering the

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<sup>2</sup> Statement Regarding Community of Interest at 1.

<sup>3</sup> *Alliance of Indep. Workers Labor Org. and D.C. Office of the Chief Med. Exam’r*, Cert. No. 153, PERB Case No. 10-RC-03 (September 2, 2011).

provisions of Title XVII of the District of Columbia  
Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

2. An on-site ballot election shall be held in accordance with the provisions of D.C. Official Code § 1-617.10 and Board Rules 510, 511, 513, 514, and 515 in order to determine whether a majority of eligible employees in the above-described unit desire to be represented for the bargaining on terms and conditions of employment by either the National Association of Government Employees, the Alliance of Independent Workers, or no union.
3. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

**BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD**

By unanimous vote of Board Chairperson Charles Murphy and Board Members Mary Anne Gibbons, Ann Hoffman, Barbara Somson, and Douglas Warshof.

Washington, D.C.

December 20, 2018

**CERTIFICATE OF SERVICE**

This is to certify that the attached Decision and Order in PERB Case No. 18-RC-02, Opinion No. 1693 was sent by File and ServeXpress to the following parties on this the 21<sup>st</sup> day of December, 2018.

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