



The Decertification Petition was properly accompanied by a thirty percent (30%) showing of interest as required by D.C. Code Section 1-618.10(b)(2). <sup>2/</sup>

The Petitioners seek decertification of the Union for the following asserted reasons:

1. There has been no representation by AFGE in over a year;
2. AFGE has had no contact with the bargaining unit in over a year;
3. "No contract has been seen by the [DPW] or employees in the bargaining unit;"
4. No dues have been paid to the AFGE by bargaining unit employees. <sup>3/</sup>

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<sup>2/</sup> In response to the Board's investigation of this matter, Office of Labor Relations and Collective Bargaining submitted an alphabetical list of the employees in the affected unit for the pay period immediately preceding the filing of the Petition. According to that list, there are eighteen (18) employees in the designated unit. Also in response to the Board's investigation, the Petitioners amended their Petition by clarifying that they are employees in the affected bargaining unit who support the decertification of AFGE.

<sup>3/</sup> Section 101.9 of the Board's Interim Rules, which were in effect at the time the Petition was filed, stated in pertinent part:

A decertification petition shall require a showing that the exclusive representative has not actively represented the employees in the bargaining unit for a period of one year.

The new rule, 505.2 provides the following:

A petition for decertification filed by an agency shall be accompanied by a sworn statement and supporting evidence of lack of activity by the exclusive representative.

We decide this matter based upon the new rules currently in effect. Nevertheless, under the standards presented in either the Interim rules or the present rules, the Petition meets the stated requirements.

By letter dated June 1, 1990, the Executive Director of the Board solicited comments from AFGE. On this same date, Notices concerning the Petition were sent to DPW through the Office of Labor Relations and Collective Bargaining (OLRCB) for posting at employee work sites. On June 11, 1990, the OLRCB responded that pursuant to Board Interim Rule 101.5, the Notices had been properly posted.

On August 31, 1990, the Board received a response from AFGE to the Decertification Petition.<sup>4/</sup> Although AFGE did not specifically deny the allegations, it avers that, essentially, it has been unable to represent these employees due to DPW's "refusal to include or consolidate the unit in question into the collective-bargaining unit of Local 1975" following a duly conducted election held on March 10, 1989.<sup>5/</sup> AFGE requests that the Decertification Petition not be granted. No objections, comments or requests to intervene were received from DPW, any employee, or any other labor organization.

Although AFGE, the currently certified representative of the unit employees, has asserted that it continues to represent a majority of these employees, we conclude that the Petition meets the requirements of Board Rules 505.2 and 505.3. Therefore, pursuant to D.C. Code Section 1-618.10(b)(2) and Board Rule 505.7, we direct that an election be held to determine the will of eligible employees concerning the continuation of such representation in collective bargaining with DPW.

#### ORDER

IT IS HEREBY ORDERED THAT:

An election is directed pursuant to D.C. Code Section 1-618.10(b)(2) of the Comprehensive Merit Personnel Act to determine whether these employees wish to continue to be represented by Local

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<sup>4/</sup> We note that AFGE's response to the Petition was due by June 21, 1990, and was therefore untimely. However, in view of the Petitioner having amended the Petition in response to the Board's investigative inquiry, AFGE's comments in response to the amended Petition were timely filed.

<sup>5/</sup> Despite any implication by AFGE that DPW has not complied with an Order of the Board, (which AFGE contends provided for the consolidation of this unit of employees with another unit), such allegations or requests to consolidate are not properly pursued through a response to a petition for decertification.

Decision and Order  
PERB Case No. 90-R-09  
Page 4

1975 AFGE, or not, for purposes of collective bargaining over terms and conditions of employment.

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

September 24, 1990