

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of:  
The International Brotherhood  
of Teamsters, Chauffers,  
Warehousemen and Helpers  
of America, Local 2000,

Petitioners,

and

District of Columbia  
Public Schools,

Agency.

PERB Case No. 88-R-02  
Opinion No. 186

DECISION AND ORDER

On December 2, 1987, the International Brotherhood of Teamsters, Chauffers, Warehousemen and Helpers of America, Local 2000 (Teamsters) filed a Petition for Exclusive Recognition with the District of Columbia Public Employee Relations Board (Board). The unit for which recognition is sought consists solely of Attendance Counselors in the EG-09 classification employed by the District of Columbia Public Schools (DCPS). The petition was accompanied by a showing of interest meeting the requirements of Section 101.2 of the Interim Rules of the Board.

Notices concerning the Petition were posted on December 14, 1987. DCPS did not oppose the petition. However it requested that an election be held to determine the desires of the employees.

The Washington Teachers' Union (WTU), after having been granted an extension, requested intervention in this proceeding on the basis of its assertion that WTU is the exclusive representative of the employees in the petitioned unit by virtue of accretion. In its letter requesting intervention, WTU also requested that the Board stay its proceedings in this matter during the pendency of the internal dispute resolution mechanisms of the AFL-CIO.<sup>1</sup>

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<sup>1</sup> As of this date the Board has not been informed of any filing by WTU with the AFL-CIO concerning these matters.

On March 15, 1988, the Board referred the matter to a hearing examiner. A hearing was held on May 20, 1988, which resulted in the parties reaching a pre-election agreement.<sup>2/</sup>

The issues which the Board must address are (1) whether the petitioned unit is appropriate for collective bargaining; and (2) whether the Board may concur with the parties' agreement to include WTU as a labor organization on the ballot in an election directed by the Board under the Board's rules regarding intervention; and.

After reviewing the entire record, the Board determines that the unit described below meets the statutory criteria set forth in D.C. Code Sections 1-618.9 and 1-618.6(b) and is appropriate for compensation and terms-and-conditions collective bargaining.

"All Attendance Counselors in the EG-09 classification; excluding management executives, confidential employees, supervisors, 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."

The Board Rules governing intervention in a representation proceeding are set out in Interim Rules 101.6 and 101.7. The request to intervene must be supported by ten (10 %) per cent of the employees in the proposed unit unless the request for intervention is made by an incumbent labor organization, in which case a showing of support is not required.

The Board finds no evidence in the record to support WTU's assertion that it is the exclusive representative of this unit of employees. There is also no showing in the record of the requisite employee support. The Board therefore denies WTU's request for intervention.

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<sup>2</sup> The transcript of the hearing contains only the election agreement and the Hearing Examiner's recommendation that the parties' agreement be approved by the Board. There is no evidence in the record supporting WTU's claim that it is the exclusive representative of this unit.

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O R D E R

IT IS ORDERED THAT:

An election be conducted, pursuant to Section 102 of the Interim Rules of the Board, to determine whether the eligible employees in the unit described above, do or do not wish to be represented by the Teamsters for purposes of collective bargaining.

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

June 20, 1988