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

In the Matter of:)

American Federation of State, County and)
Municipal Employees, District Council 20,)
Local 2401,)

Petitioner,)

and)

District of Columbia Office of Contracting and)
Procurement,)

Agency.)

CORRECTED COPY

PERB Case No. 02-RC-02

Opinion No. 716

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

The American Federation of State, County and Municipal Employees, District Council 20, Local 2401 (“AFSCME” or “Petitioner”), filed a Recognition Petition (“Petition”) in the above-captioned proceeding. AFSCME seeks to represent, for purposes of collective bargaining, a unit of unrepresented professional and non-professional employees employed by the District of Columbia Office of Contracting and Procurement. The Petition was accompanied by a showing of interest meeting the requirements of Board Rule 502.2, and a roster of Petitioner’s officers and a copy of the Petitioner’s constitution as required by Board Rule 502.1(d).

Notices concerning the Petition were issued on February 12, 2003, for conspicuous posting where Notices to employees are normally located at the District of Columbia Office of Contracting and Procurement. The Notices indicated that requests to intervene and/or comments should be filed in the Board’s office no later than March 19, 2003. The District of Columbia Office of Contracting and Procurement, confirmed in writing that the Notices were posted. Also, the District of Columbia Office of Contracting and Procurement 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 § 1-617.09(a) (2001 ed.). In addition, the Office of Labor Relations and Collective Bargaining (OLRCB) submitted a comment on behalf of the agency. In their

comment, OLRCB indicated that the agency does not oppose the Petition.¹ There were no other comments received.

AFSCME seeks to represent the following proposed unit:

All professional and non-professional employees of the District of Columbia Office of Contracting and Procurement; excluding all management officials, supervisors, confidential employees, employees engaged in 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 § 1-617.09(a) (2001ed.), requires that a community of interest exist among employees in order 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 exhibits reveal that the proposed unit consists of the following employee positions: contract specialists, contract specialists (bilingual), procurement analysts, contract administrators, program analysts, clerical assistants, procurement technicians, staff assistants, staff assistants (office automation), administrative assistants, motor vehicle operators, administrative aides, materials handler leaders, management analysts, purchasing agents, computer specialists, computer programmer analysts, program specialists, contract representatives (legal) and property disposal specialists. All of these employees are assigned to the District of Columbia Office of Contracting and Procurement. In addition, all of these employees share a common mission within the District of Columbia Office of Contracting and Procurement. No other labor organization represents these employees. Also, there is no collective bargaining agreement in effect covering any of these employees.

In view of the above, we believe that sufficient factors exist for the Board to find that these employees share a community of interest. Such a unit of all professional and non-professional employees sharing a common mission, would in our view, promote effective labor relations and efficiency of agency operations and thereby constitute an appropriate unit under the Comprehensive

¹As noted above, OLRCB indicated that the agency does not oppose the Petition. However, OLRCB requests that if the professional employees vote not to be included in the same unit with the non-professional employees, then the specific position titles should be identified in each separate unit. AFSCME does not oppose OLRCB's request. We concur with this request.

Merit Personnel Act.

Regarding the question of representation, the Board orders that an election be held to determine the will of the eligible employees (in the unit described above), regarding their desire to be represented by AFSCME for purposes of collective bargaining with the District of Columbia Office of Contracting and Procurement. Also, in order to conform with the requirements of D.C. Code § 1-617.09(b)(5) (2001 ed.) and Board Rule 510.5 (concerning the inclusion of professional employees and non-professional employees in the same unit), eligible professional employees shall indicate their choice on separate ballots as to: (1) whether they desire to be represented for bargaining on terms and conditions of employment by AFSCME; and (2) whether they wish to be included in a consolidated unit with non-professional employees. Eligible non-professional employees, in the same election, shall indicate their choice only as to the former question. Finally, we believe that a mail 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 professional and non-professional employees employed by the District of Columbia Office of Contracting and Procurement; excluding all management officials, supervisors, confidential employees, employees engaged in 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 § 1-617.10 (2001 ed.) and Board Rules 510-515 in order to determine whether or not: (1) all eligible employees desire to be represented for bargaining on terms and conditions of employment by either the American Federation of State, County and Municipal Employees, District Council 20, Local 2401 or No Union; and (2) all eligible professional employees wish to be included in a consolidated unit with non-professional employees. Eligible non-professional employees, in the same election, shall indicate their choice only as to the former question.
3. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

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

June 12, 2003