

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**

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In the Matter of:	)	
	)	
American Federation of State,	)	
County and Municipal Employees,	)	
District Council 20, AFL-CIO	)	
	)	PERB Case No. 14-RC-02
Petitioner.	)	
and	)	Opinion No. 1475
	)	
District of Columbia Office of	)	
Administrative Hearings,	)	
	)	
Agency.	)	

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

On December 4, 2013, AFSCME, District Council 20 (“Petitioner” or “Union”) filed a “Petition for Recognition” (“Petition”), seeking to represent, for the purposes of collective bargaining, the following proposed bargaining unit:

All non-professional employees employed by the District of Columbia Office of Administrative Hearings, excluding all management officials, supervisors, confidential employees, employees who are covered by another union’s certification, employees engaged in personnel work other than in a purely clerical capacity and employees engaged in administering the provisions of Title 1, Chapter 6, subchapter XVII of the D.C. Official Code.

As required by Board Rule 502.1(d), the Petition was accompanied by a roster of 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.

On April 23, 2014, the D.C. Office of Administrative Hearings ("Agency") submitted an alphabetical list of employees. The Agency did not file comments opposing the proposed bargaining unit. PERB determined that the Union met its showing of interest, and a notice of the recognition petition was issued May 1, 2014, for conspicuous posting for fifteen (15) consecutive days where employees in the proposed unit were located at the D.C. Office of Administrative Hearings. No comments or requests for intervention were received by PERB.

The Comprehensive Merit Personnel Act ("CMPA"), as codified at D.C. Official Code § 1-617.09(a) (2001 ed.), 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. In addition, there is no other labor organization currently representing this group of employees. Therefore, the Board finds that the proposed bargaining unit constitutes an appropriate unit under the CMPA.

As a result, the Board orders an election be held to determine the will of the eligible employees in the unit described above to be represented by AFSCME, District Council 20 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 Administrative Hearings, excluding all management officials, supervisors, confidential employees, employees who are covered by another union's certification, employees engaged in personnel work other than in a purely clerical capacity and employees engaged in administering the provisions of Title 1, Chapter 6, subchapter XVII of the D.C. Official Code.

2. An on-site ballot election shall be held in accordance with provisions of D.C. Official Code § 1-617.10 (2001 ed.) 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 bargaining on terms and conditions of employment by either the American Federation of State, County and Municipal Employees, District Council 20 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, Member Donald Wasserman, and Member Ann Hoffman

Washington, D.C.

June 9, 2014

**CERTIFICATE OF SERVICE**

This is to certify that the attached Decision and Order in PERB Case No. 14-RC-02 was transmitted to the following parties on this the 9th day of June, 2014.

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