

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

In the Matter of:)	
)	
Correctional Employees)	
International Union, Local 1990,)	
Petitioner,)	PERB Case No. 89-R-07
)	Opinion No. 238
and)	
)	
D.C. Department of Corrections,)	
)	
Agency.)	

DECISION AND ORDER

On July 28, 1989 the Correctional Employees International Union, Local 1990 (CEIU) filed a Recognition Petition with the Public Employee Relations Board (Board) wherein it seeks to represent certain employees of the D.C. Department of Corrections (DOC). The Petition was properly 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 August 11, 1988. On August 10, 1989, Teamsters Local Union No. 1714, International Brotherhood of Teamsters, AFL-CIO (Teamsters) filed a Request To Intervene. The Teamsters claimed intervention as a matter of right as the incumbent representative, in accordance with Board Rule 101.7, ^{1/} and averred that the employees in question

^{1/} Board Rule 101.7 states:

The request to intervene in a representation proceeding must be supported by ten (10) per cent of the employees in order to get on the ballot in the unit which is proposed to be appropriate or thirty (30) percent support if a different unit is proposed by the intervenor. An incumbent exclusive representative shall be permitted to intervene upon request for any petition covering, in part, a bargaining unit which it represents, without submitting proof of support. Proof of employee support shall accompany the written request to the Board.

are covered by an existing collective bargaining agreement between the Teamsters and DOC. Accompanying the Teamsters' Request To Intervene was a Motion To Dismiss which refers to a contract between the Teamsters and DOC, covering terms and conditions of employment and containing an expiration date of September 30, 1987, that was extended for an additional three year period. The Teamsters argue that the Petition should be dismissed as barred by this contract pursuant to Board Rule 101.8(b).^{2/} DOC filed an Opposition to the Recognition Petition on August 23, 1989 also maintaining that the existing contract served to bar the Petition.

By letter dated September 18, 1989, the Executive Director of the Board solicited comments from CEIU in response to the assertions by DOC and the Teamsters. CEIU filed comments on October 19, 1989 asserting that it had attempted unsuccessfully to ascertain from the Teamsters the contract expiration date, and that the Teamsters did not announce the new contract expiration date of September 30, 1990 until CEIU had filed the instant petition.

Having reviewed the entire record, the Board concludes that this Recognition Petition must be dismissed in accordance with Board Rule 101.8(b).

The evidence is uncontroverted that DOC and the Teamsters entered into a terms-and-conditions collective bargaining agreement with an expiration date of September 30, 1987. That collective bargaining agreement was extended on June 4, 1987 by DOC acting

^{2/} Board Rule 101.8 states in pertinent part:

A petition for exclusive recognition shall be barred if:

(b) there is an existing labor-management agreement covering the employees in the proposed unit, Provided That a petition may be filed during the period between the 120th day and the 60th day before the expiration of an agreement having a duration of less than three years or after 975 days for an agreement having a duration of three years or more;

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pursuant to Article 34 of the contract ^{3/} for a three year period expiring on September 30, 1990. This petition was filed on July 28, 1989. It was therefore untimely under Board Rule 101.8(b).

ORDER

IT IS ORDERED THAT:

The instant Recognition Petition is dismissed because it was untimely filed.

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

November 8, 1989

^{3/} Article 34 on the collective bargaining agreement states in pertinent part:

Section 1: This Agreement shall remain in full force and effect until September 30, 1987 and shall be extended for three (3) years at the option of either party upon notice to the other party between 120 to 90 days prior to September 30, 1987.