

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of:	)	
	)	
Robert Aldridge,	)	
	)	
Complainant,	)	PERB Case No. 83-U-01
	)	Opinion No. 62
	)	
and	)	
	)	
District of Columbia, Office of Labor	)	
Relations and Collective Bargaining,	)	
	)	
Respondent.	)	
	)	
	)	

DECISION AND ORDER

On October 14, 1982, Mr. Robert Aldridge (Complainant) filed an Unfair Labor Practice Complaint (ULP) against the District of Columbia Office of Labor Relations and Collective Bargaining (OLRCB), the Department of Environmental Services (DES) and Mr. Brent Cooley, a Labor Relations Officer in the OLRCB. Mr. Aldridge alleged that a statement by Mr. Cooley constituted an unfair labor practice under Section 1704 of the Comprehensive Merit Personnel Act (CMPA) (D.C. Code Section 1.618.4) because it was an attempt to interfere with his right to refrain from joining or assisting a labor organization. On October 28, 1982, the OLRCB filed its Response denying that Mr. Cooley uttered any statement to Mr. Aldridge that could be interpreted as an attempt to interfere with Mr. Aldridge's statutory rights.

The issue before the Board is whether or not statements made by Mr. Cooley to Mr. Aldridge constituted threats of reprisals which unlawfully interfered with Mr. Aldridge's right to refrain from joining or assisting a labor organization.

Mr. Aldridge is an employee of DES where the American Federation of State, County and Municipal Employees, Local 2091 (AFSCME) represents the bargaining unit. Mr. Aldridge is not a member of AFSCME and on September 3, 1982, he initiated a telephone conversation with Mr. Cooley to clarify whether or not he was required to be a union member in order to receive optical and dental benefits. Mr. Aldridge contends that Mr. Cooley stated as "friendly advice", he had "better back off before [he] self destruct[ed]", and that "this is a union town ." Mr. Aldridge contends that he was intimidated by these statements and that, by making them, Mr. Cooley interfered with his right to refrain from joining or assisting a labor organization.

Mr. Cooley admits speaking to an individual who identified himself as Robert Aldridge, but maintains that he told the individual that his pay stub would reflect an agency contribution for optical and dental premiums. There followed some discussion of Mr. Aldridge's dissatisfaction with the agency service fee. Mr. Cooley contends that he explained the legal basis for negotiations that led to the service fee and deny having made any statement that can reasonably be construed as an attempt to interfere with Mr. Aldridge's right to refrain from joining or assisting a labor organization.

The National Labor Relations Board (NLRB) and various courts have ruled in numerous cases that statements or questions of the employer to employees, usually in conjunction with union organizing, are not unfair labor practices where the remarks are not coercive, but isolated and casual in nature. See General Thermo Inc. v. NLRB, 664 F. 2d 195, 108 LRRM 3136, 3138 (1981); Pease Company v. NLRB, 666 F. 2d 1044, 109 LRRM 2093, 2095, (1981); Coastal Care Centers, 229 NLR 81, 97 LRRM 1521, (1977); NLRB v. Fuller Super Markets, 374 F. 2d 197, 64 LRRM 2541, (1967).

There is no evidence that any retaliatory action was taken against Mr. Aldridge for not joining the union. In fact, Mr. Aldridge received accurate information with respect to optical and dental benefits before Mr. Cooley rendered the "friendly advice." Mr. Aldridge was not forced to join the union in order to obtain the optical and dental benefits. There is no evidence that he was coerced nor of any threats of violence against him. On the contrary, it appears that he had notice from various sources that union membership was not required to receive the benefits in question.

The Board finds that the statements attributed to Mr. Cooley were casual and isolated in nature and that there is insufficient evidence that there has been a violation of Section 1704 of the CMPA.

O R D E R

IT IS ORDERED THAT:

The Complaint is hereby dismissed based on its failure to establish a violation of Section 1704 of the CMPA (D.C. Code Section 1-618.4) as alleged.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD  
May 24, 1983