

Notice: This decision may be formally revised within thirty days of issuance 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**

In the Matter of:)	
)	
American Federation of Government Employees, Local 631)	
)	PERB Case No. 24-RC-02
Petitioner)	
)	Opinion No. 1957
and)	
)	
District of Columbia Department of Transportation)	
)	
Respondent)	
)	

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

I. Statement of the Case

On February 22, 2024,¹ the American Federation of Government Employees, Local 631 (AFGE) filed a petition for exclusive recognition and noncompensation unit determination (Petition), seeking to represent the following proposed bargaining unit at the District of Columbia Department of Transportation (DDOT):

The positions are in the Planning and Sustainability Division, 8 Transportation Planners CS-301-13, 6 Transportation Planners CS-301-12, 7 Transportation Planners CS-301-11, 3 Bicycle/Pedestrian Program Specialists CS-13, 1 Bicycle/Program Specialist CS-301-12, 1 Program Analyst CS-301-11; in the Performance Management Division, 2 Project Managers CS-343-14, 1 Program Analyst CS-343-13, 4 Program Analysts CS-343-12, and 1 Program Analyst CS-301-12; in the Policy and Legislative Affairs Division, 1 Legislative and Policy Analyst CS-301-14, 2 Policy Analysts CS-301-13, 1 Policy Analyst CS-301-12, and 1 Policy Analyst CS-260-12; and in the Mass Transit Branch, 1 Transportation Planner CS-2101-14, 1 Transit Project Management Lead CS-14, 3 Transportation

¹ On July 7, 2025, AFGE filed an amendment to correct a minor clerical error, in accordance with Board Rule 502.8.

Planners CS-13, 2 Transportation Planners CS-2101-12, 4 Transportation Planners CS-2101-11.²

A brief procedural history of this matter follows:

On March 12, 2024, DDOT provided an incomplete list of employees in proposed unit and Comments. On January 24, 2025, an investigatory hearing was held before the undersigned Hearing Examiner. On February 4, 2025, AFGE Local 1975 submitted an Intervention Petition. On March 10, 2025, PERB granted Intervention Petition of AFGE, Local 1975. On June 11, 2025, a second hearing was held before the undersigned Hearing Examiner. On July 15, 2025, AFGE, Local 1975 voluntarily withdrew its Intervention Petition. On September 4, 2025, the Hearing Examiner submitted Report and Recommendations to the Board. As stated above, on November 25, 2025, the Board remanded the matter to the Hearing Examiner for additional factfinding.³

PERB directed the Hearing Examiner to make recommendations as to whether proposed positions in the unit are professional or nonprofessional, and a recommendation as to the unit description for the appropriate proposed bargaining unit.⁴ A hearing upon remand was held on February 9, 2026. The parties submitted supplemental briefing on March 26, 2026.⁵ The Hearing Examiner issued a Remand Report and Recommendations (Report) on April 23, 2026.⁶

II. Hearing Examiner’s Report and Recommendations

The Hearing Examiner thoroughly examined the evidence and briefs presented by the parties. The Hearing Examiner determined that DDOT failed to provide sufficient support for its arguments that certain positions within the proposed bargaining unit should be excluded as professional or confidential.⁷ The Hearing Examiner found that the proposed bargaining unit is an appropriate unit.⁸ Neither party submitted exceptions to the Report.

III. Discussion

The Board will adopt a hearing examiner’s report and recommendations if they are reasonable, supported by the record, and consistent with PERB precedent.⁹ The Board has held that “issues of fact concerning the probative value of evidence and credibility resolutions are reserved to the Hearing Examiner.”¹⁰

² Report at 5-6.

³ Report at 1-2.

⁴ Report at 2.

⁵ Report at 2.

⁶ The Report is dated April 20, 2026. The Report was issued to the parties on April 23, 2026.

⁷ Report at 8, 11.

⁸ Report at 11.

⁹ *Ferguson v. DCCFSA*, D.C. Reg. 13738, Slip Op. No. 1419 at 60, PERB Case No. 09-U-19 (2013).

¹⁰ See *FOP/MPD Labor Comm. v. MPD*, 61 D.C. Reg. 5627, Slip Op. No. 1465 at 4, PERB Case No. 08-U-14 (2014).

The Hearing Examiner considered the evidence and testimony presented by the parties. The Hearing Examiner appropriately weighed the duties and educational background information and determined that certain employees did not meet the definition of professional employee.¹¹ Further, the Hearing Examiner appropriately weighed the duties and potential conflict of interest and determined that certain employees did not meet the definition of confidential employees.¹² The Board adopts the Hearing Examiner's Report and Recommendations as they are reasonable, supported by the record, and consistent with PERB precedent.

IV. Conclusion

The Board will order an election to determine whether a majority of eligible employees in the proposed unit desire recognition of AFGE, Local 631 as their exclusive representative.

ORDER

IT IS HEREBY ORDERED THAT:

1. The following unit is an appropriate unit for collective bargaining over terms and conditions of employment:

The positions are in the Planning and Sustainability Division, 8 Transportation Planners CS-301-13, 6 Transportation Planners CS-301-12, 7 Transportation Planners CS-301-11, 3 Bicycle/Pedestrian Program Specialists CS-13, 1 Bicycle/Program Specialist CS-301-12, 1 Program Analyst CS-301-11; in the Performance Management Division, 2 Project Managers CS-343-14, 1 Program Analyst CS-343-13, 4 Program Analysts CS-343-12, and 1 Program Analyst CS-301-12; in the Policy and Legislative Affairs Division, 1 Legislative and Policy Analyst CS-301-14, 2 Policy Analysts CS-301-13, 1 Policy Analyst CS-301-12, and 1 Policy Analyst CS-260-12; and in the Mass Transit Branch, 1 Transportation Planner CS-2101-14, 1 Transit Project Management Lead CS-14, 3 Transportation Planners CS-13, 2 Transportation Planners CS-2101-12, 4 Transportation Planners CS-2101-11;

2. An election shall be held in accordance with the provisions of D.C. Official Code § 1-617.10 and Board Rule 510 to determine whether a majority of eligible employees in the proposed unit desire to be represented for bargaining on terms and conditions of employment by the American Federation of Government Employees, Local 631 or no union; and
3. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

¹¹ Report 6-8 (citing NLRA National Labor Relations Act definition of "professional employee," 29 U.S.C.A. § 152(12)).

¹² Report 10-11 (citing *AFGE, Local 2978 v D.C. Dept. Community Services*, 36 DCR 8207, Slip Op. No. 236, PERB Case No. 89-R-04 (1989)).

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By unanimous vote of Board chairperson Peter Winkler, Douglas Warshof, Mary Anne Gibbons, and Renee Bowser.

May 21, 2026
Washington, D.C.

APPEAL RIGHTS

Pursuant to Board Rule 559.2, a party may file a motion for reconsideration, requesting the Board reconsider its decision. Additionally, a final decision by the Board may be appealed to the District of Columbia Superior Court pursuant to D.C. Official Code §§ 1-605.2(12) and 1-617.13(c), which provides 30 days after a decision is issued to file an appeal.

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 24-RC-02, Slip Op. 1957 was sent by File and ServeXpress to the following parties on this 21st day of May 2026.

Barbara Hutchinson, Esq.
American Federation of Government Employees, Local 631
1325 G Street NW, Suite 500
Washington, D.C. 20005

Vincent Harris, Esq.
Kevin Stokes, Esq.
D.C. Office of Labor Relations and Collective Bargaining
441 4th Street NW, Suite 820 North

/s/Royale Simms
Public Employee Relations Board