

On January 4, 1983, the Complainant wrote to the AFGE Local president requesting that an AFGE attorney be assigned to represent him in the classification and harassment grievances. On January 12, 1983, the president informed him that AFGE was not obligated to provide representation by an attorney under existing circumstances.

The Board's investigation of this matter reveals that the Complainant's specific request was for representation by an AFGE attorney and that AFGE's policy is that "[r]epresentation from an attorney is only given after the National Vice-President reviews a case and feels the case requires an attorney." This policy applies to all members of the bargaining unit regardless of union affiliation. Also, "[n]ational representatives...only become involved in representation upon authorization of local presidents."

The Board finds that Article 5 of the negotiated Agreement between the parties to be particularly relevant. It provides that:

"The Union as the exclusive representative of all employees in the unit has the right as provided in Section 1711(a) of D.C. Law 2-139 to act for and negotiate agreements covering all employees in the unit and is responsible for representing the interests of all such employees without discrimination and without regard to membership in the labor organization."

The Board finds, therefore, that the Complainant is entitled to representation in matters such as those involved here, but is not entitled to demand representation by an AFGE attorney. The Complainant is required to follow the internal AFGE procedures summarized above.

ORDER

IT IS ORDERED THAT:

AFGE, pursuant to its internal procedures, is directed to provide the Complainant with appropriate representation before OEA, with whatever legal representation, if any, would be provided in similar cases involving other union members.

BY ORDER OF THE DISTRICT OF COLUMBIA PUBLIC EMPLOYEE RELATIONS BOARD
June 7, 1984