

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**

In the Matter of:)	
)	
American Federation of Government Employees, AFL-CIO,)	
)	
Petitioner,)	PERB Case No. 02-RC-04
)	
and)	Opinion No.685
)	
Public Service Commission of the District of Columbia,)	
)	
)	
Agency.)	
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**DECISION ON UNIT DETERMINATION
AND DIRECTION OF ELECTION**

On June 11, 2002, the American Federation of Government Employees (AFGE), filed a Recognition Petition (Petition) with the Public Employee Relations Board (Board). AFGE seeks to represent, for purpose of collective bargaining, a unit of unrepresented attorneys employed by the Public Service Commission of the District of Columbia (Public Service Commission). The Petition was accompanied by a showing of interest meeting the requirement of Board Rule 502.2, and a Roster of Petitioner's Officers and a copy of Petitioner's Constitution and Bylaws, as required by Board Rule 502.1 (d).

Notices concerning the Petition were issued on July 10, 2002, for conspicuous posting for fifteen (15) consecutive days where notices to employees in the proposed unit are located at the Public Service Commission. The Notices required that requests to intervene or comments be filed in the Board's office no later than August 13, 2002. The Public Service Commission confirmed in writing that the Notices had been posted. The Board did not receive any comments or requests to intervene. Also, the Public Service Commission does not dispute the appropriateness of the proposed bargaining unit pursuant to the criteria set forth under the Comprehensive Merit Personnel

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Act (CMPA) as codified under D.C. Code §1-617.09(a) (2001 ed.).

The unit sought by AFGE is as follows:

All attorneys employed by the Office of the General Counsel of the Public Service Commission of the District of Columbia, excluding management officials, supervisors, confidential employees, employees engaged in personnel work in other than a purely clerical capacity, and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

D.C. 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.

Our review of the Petition and attached exhibits reveals that the proposed unit consists of all attorneys employed by the Public Service Commission. The attorneys are all assigned to the Office of the General Counsel and share a common mission. In addition, there is no other labor organization currently representing this group of employees.

In view of the above, sufficient factors exist for the Board to find that these employees share a community of interest. Such a unit of employees sharing a common purpose would, in our view, promote effective labor relations and efficiency of agency operations, and thereby constitute an appropriate unit under the Comprehensive Merit Personnel Act.

Regarding the question of representation, the Board finds that an election should be held to determine the will of the eligible employees in the unit described above, regarding their desire to be represented by AFGE for purpose of collective bargaining with the Public Service Commission on compensation and other terms and conditions of employment.

ORDER

IT IS HEREBY ORDERED THAT:

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

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All attorneys employed by the Office of the General Counsel of the Public Service Commission of the District of Columbia, excluding management officials, supervisors, confidential employees, employees engaged in personnel work in other than a purely clerical capacity, and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

2. A mail ballot election shall be held in accordance with the provisions of D.C. Code § 1-617.10 (2001 ed.) and Board Rules 510-515, in order to determine whether or not those employees who are eligible desire to be represented for purpose of collective bargaining on compensation and terms and conditions of employment, by either the American Federation of Government Employees, AFL-CIO 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
Washington, D.C.

August 21, 2002