

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, Local 631)	
)	
Petitioner)	PERB Case No. 23-RC-01
)	
and)	Opinion No. 1831
)	
Department of Energy and Environment, Urban Sustainability Administration)	
)	
Respondent)	
)	

**DECISION AND ORDER ON UNIT DETERMINATION AND VOLUNTARY
RECOGNITION**

I. Statement of the Case

On October 31, 2022, the American Federation of Government Employees, Local 631, (“AFGE, Local 631” or “Petitioner”) filed a petition for exclusive recognition and a noncompensation unit determination (Petition)¹ seeking to represent a new bargaining unit at the Department of Energy and Environment, Urban Sustainability Administration (DOEE) for the purpose of collective bargaining.²

On December 30, 2022, the Executive Director issued DOEE instructions to post a Notice of Petition pursuant to Board Rule 503.10. On January 3, 2023, DOEE filed a status update indicating that it had posted the required notice that day in all required locations. The Board did not receive any requests to intervene in the Petition. On January 3, 2023, as required by Board Rule 503.2, DOEE provided a list of all employees in the proposed unit. DOEE did not submit any comments.

¹ As required by Board Rule 503.1, the Petition was accompanied by a copy of the AFGE, Local 631 bylaws and a roster of officers. In addition, the Petitioner submitted evidence of the employees’ showing of interest in AFGE, Local 631 as their exclusive representative for collective bargaining. Pursuant to Board Rule 503.4, the Executive Director determined that the Petitioner had made the requisite showing of interest.

² Petition at 1.

For the reasons stated herein, the Board finds the proposed unit appropriate for collective bargaining and permits DOEE to voluntarily recognize, without an election, AFGE, Local 631 as the collective bargaining representative of the proposed unit.

II. Hearing Examiner’s Report and Recommendations

A prehearing conference was held on February 3, 2023. During the pre-hearing conference, the parties informed the Hearing Examiner that a hearing would not be necessary. The parties submitted to the Hearing Examiner a Joint Stipulation for recognition of the Petitioner as the exclusive bargaining representative for the proposed unit.³ The parties requested that the Hearing Examiner issue his report and recommendation based on that Joint Stipulation.⁴

On March 14, 2023, the Hearing Examiner issued his Report and Recommendation (Report), finding that that the proposed unit was appropriate for collective bargaining over terms and conditions of employment.⁵ The Hearing Examiner determined there was no statutory exclusion precluding the employees at issue from being included in a bargaining unit; a community of interest existed for the proposed unit; and the proposed unit would promote effective labor relations and efficient agency operations.⁶

The Hearing Examiner stated, “[p]er Board Rule 503.17, in the event Petitioner has demonstrated to the Board evidence of majority status (more than fifty percent support for the petitioning labor organization), and such proof is not more than one year old, I recommend that the petition certifying the labor organization be approved without an election.”⁷

III. CONCLUSION

The Petitioner has submitted a more than fifty percent showing of interest that complies with the Board’s Rules. Therefore, the Board finds that the requirements of D.C. Official Code § 1-617.10(b)(1) and Board Rule 503.17 have been met. A certification of representation shall be granted to the Petitioner without an election.

ORDER

IT IS HEREBY ORDERED THAT:

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

³ The parties submitted their Joint Stipulation to PERB on March 3, 2023.

⁴ Report at 2-3.

⁵ Report at 7.

⁶ Report at 5 (citing *AFGE, Local 631 and OSSE, Division of Student Transportation*, 69 D.C. Reg. 10151, Slip Op. No. 1816, PERB Case No. 22-RC-01 (2022); *NAGE and DCNG*, 67 D.C. Reg. 13418, Slip Op. No. 1761, PERB Case No. 19-RC-02 (2020)).c

⁷ Report at 6. The Hearing Examiner advised that the Petitioner “may request PERB to determine the compensation unit in which employees are placed” after the unit is certified.

Employees in the Staff Assistant DS-9 position; the Program Analyst DS-11 position; the Program Analyst DS-12 position; and the Program Analyst DS-13 position with the Department of Energy and Environment, Urban Sustainability Administration.

2. Pursuant to D.C. Official Code § 1-617.10(b)(1) and in accordance with Board Rule 503.17, the Department of Energy and Environment, Urban Sustainability Administration is approved to recognize, without an election, the American Federation of Government Employees, Local 631, as the bargaining representative of the above-described unit.
3. The attached Certification of Representative is granted to the American Federation of Government Employees, Local 631, as the exclusive collective bargaining representative for the above-described unit for collective bargaining over terms and conditions of employment.
4. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

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

March 16, 2023

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.