

Gov't Employees, Local 1000 v. D.C. Dep't of Employment Servs., Slip Op. No. 1277, PERB Case No. 10-UM-02 (June 12, 2012).

Thereafter Mr. Campbell sent the Director an e-mail alleging that the Union did not receive the deficiency letter of April 26, 2012 by either U.S. Mail or e-mail. He wrote that the Director's e-mail may have gone into a junk e-mail folder and that the letter was not received because the Union had moved when the Department moved to a new address. In addition, Mr. Campbell asked for an extension of time within which to file a motion for reconsideration. The Union subsequently filed a motion for extension of time, which was granted, and the instant Motion for Reconsideration. The Respondent did not submit a response to the Motion for Reconsideration.

II. Discussion

The Union's Motion for Reconsideration asserts that the Union "did not receive the notice allegedly sent by PERB" (Motion for Reconsideration at p. 2) and incorporates by reference the e-mail sent to the Director. (*Id.* at p. 1 & Exhibit 1). The remainder of the motion explains that the Movant filed the Petition as well as a recognition petition with regard to the inclusion of administrative law judges in the bargaining unit. The Movant contends that the administrative law judges fall within the collective bargaining agreement, or in the alternative that the unit should be modified on the ground that administrative law judge positions were created after the recognition or certification of exclusive representation. Thus, the motion implies that the Movant could, if given the opportunity, set forth in an amended petition specific reasons for the proposed modification.

Under the circumstances of this case, we find it appropriate for the Board to exercise its discretion in this matter, and we grant the Union's motion. Notwithstanding, the previously-noted deficiency in the Petition remains. Therefore, the Board reinstates the Petition, and the Board allows the Movant an additional ten (10) days from the service of this Decision and Order within which to file an amended petition complying with Rule 504.2.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Union's motion for reconsideration is granted. The Petition is reinstated.
2. The Union is granted leave to file an amended petition complying with Rule 504.2 within ten (10) days of the service of this Decision and Order. Failure to file such an amended petition timely shall result in dismissal without further notice.

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3. Pursuant to Board Rule 559.2, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

Washington, D.C.

October 18, 2012

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 10-UM-02 is being transmitted to the following parties on this 19th day of October 2012.

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