

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 State,)	PERB Case No. 05-RC-06
County and Municipal Employees,)	
D.C. Council 20, Local 2401,)	Opinion No. 834
)	
Labor Organization,)	
)	
and)	
)	
District of Columbia Office of Risk)	
Management,)	
)	
Agency.)	
_____)	

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

I. Statement of the case:

On June 10, 2005, the American Federation of State, County and Municipal Employees District of Columbia Council 20, Local 2401 ("AFSCME" or "Petitioner"), filed a Recognition Petition in the above-captioned proceeding. AFSCME seeks to represent, for purposes of collective bargaining, a consolidated unit of unrepresented professional and non-professional employees employed by the District of Columbia Office of Risk Management. The Petition was accompanied by a showing of interest and a copy of the Petitioner's Constitution. (See Board Rules 502.1(d) and 502.2).

After conducting an investigation, the Board's Executive Director determined that AFSCME satisfied the showing of interest requirement of Board Rule 502.2. As a result, on September 14, 2005, Notices concerning the Petition were issued for conspicuous posting where Notices to employees are normally located at the District of Columbia Office of Risk Management. The Notices indicated that requests to intervene and/or comments should be filed in the Board's Office no later than October 13, 2005. The District of Columbia Office of Risk Management, confirmed that the Notices were posted. In addition, the Office of Labor Relations and Collective Bargaining ("OLRCB") submitted a comment on behalf of the agency. In their comment, OLRCB noted that the agency does not oppose the Petition. There were no other comments received. AFSCME's Petition is before the Board for disposition.

II. Discussion:

AFSCME seeks to represent the following proposed unit:

All professional and non-professional employees employed by the District of Columbia Office of Risk Management, 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 in order 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, the agency's comments and attached exhibits reveal that the proposed unit consists of the following employee positions: staff assistant, claims adjuster, clerical assistant, risk control specialist, claims specialist/works comp, claims investigator and claims analyst employed by the District of Columbia Office of Risk Management. These employees share a common organizational structure and mission within the District of Columbia Office of Risk Management. No other labor organization represents these employees. Also, there is no collective bargaining agreement in effect covering these employees.

In view of the above, we believe that sufficient factors exist for the Board to find that these employees share a community of interest. Such a unit of all professional and non-professional employees at the District of Columbia Office of Risk Management that share a common mission, 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 orders that an election be held to determine the will of the eligible employees (in the unit described above), regarding their desire to be represented by AFSCME, Local 2401 for purposes of collective bargaining with the District of Columbia Office of Risk Management. Also, in order to conform with the requirements of D.C. Code §1-617.09(b) (2001 ed.) and Board Rule 510.5 (concerning the inclusion of professional employees and non-professional employees in the same unit), eligible professional employees shall indicate their choice on separate ballots as to: (1) whether they desire to be represented for bargaining on terms and conditions of employment by AFSCME, Local 2401, and (2) whether they wish to be included in a consolidated unit with non-professional employees. Eligible non-professional employees, in the same election, shall indicate their choice only as to the former question. Finally, we believe that a mail ballot election is appropriate in this case.

ORDER

IT IS HEREBY ORDERED THAT:

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

All professional and non-professional employees employed by the District of Columbia Office of Risk Management, except 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 §§ 1-617.09(b) and 1-617.10 (2001 ed.), and Board Rules 510-515, in order to determine whether or not: (1) all eligible employees desire to be represented for bargaining on terms and conditions of employment by either the American Federation of State, County and Municipal Employees D.C. Council 20, Local 2401 or No Union; and (2) all eligible professional employees wish to be included in a consolidated unit with non-professional employees. Eligible non-professional employees, in the same election, shall indicate their choice only as to the former question.

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.

March 28, 2006

CERTIFICATE OF SERVICE

This is to certify that the attached Decision on Unit Determination and Direction of Election in PERB Case No. 05-RC-06 was transmitted via Fax and U.S. Mail to the following parties on this the 28th day of March 2006.

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