

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,)	
County and Municipal Employees,)	
D.C. Council 20, Local 2401,)	
)	
)	
Petitioner,)	PERB Case No. 02-RC-01
)	
and)	Opinion No. 739
)	
District of Columbia Public Schools,)	
)	
Agency.)	
_____)	

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

The American Federation of State, County and Municipal Employees, D.C. Council 20, Local 2401 ("AFSCME" or "Petitioner"), filed a Recognition Petition ("Petition") in the above-captioned proceeding. AFSCME originally sought to represent, for purposes of collective bargaining, a consolidated unit of unrepresented professional and non-professional employees employed by the District of Columbia Public Schools, Office of Contracts and Acquisitions. The Petition was accompanied by a showing of interest, a roster of Petitioner's officers and a copy of the Petitioner's Constitution. (See Board Rules 502.1(d) and 502.2)

Notices concerning the Petition were issued on October 16, 2003, for conspicuous posting where Notices to employees are normally located at the District of Columbia Public Schools, Office of Contracts and Acquisitions. The Notices indicated that requests to intervene and/or comments should be filed in the Board's Office no later than November 19, 2003. On November 11, 2003, the District of Columbia Public Schools confirmed that the Notices were posted. In addition, DCPS submitted a comment. In their comment, DCPS indicated that the agency does not oppose the Petition. However, DCPS claimed that the non-professionals in the proposed unit, are already represented by AFSCME, Local 2921. As a result, DCPS asserted that the Petition should be limited to professional employees. AFSCME, Local 2401 agreed with DCPS' claim. As a result, AFSCME amended its petition and is now only seeking to represent the professional employees. There were no other comments received.

Pursuant to its Amended Petition, AFSCME seeks to represent the following proposed unit:

All professional employees of the District of Columbia Public Schools, Office of Contracts and Acquisitions; excluding all 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 2-139.¹

D.C. Code § 1-617.09(a) (2001ed.), 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 response and exhibits reveal the following concerning the proposed unit. The proposed unit consists of the following employee positions: contract specialist, program assistant, cost price analysts, staff assistant, contract administrator, contractor specialist. All of these employees share a common organizational structure and mission within the District of Columbia Public Schools, Office of Contracts and Acquisitions. No other labor organization represents these employees. Also, there is no collective bargaining agreement in effect covering any of 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 employees employed by the District of Columbia Public Schools, Office of Contracts and Acquisitions, that share a common purpose and 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 Public Schools, Office of Contracts and Acquisitions. In accordance with the provisions of D.C. Code §.1-617.10 (2001 ed.) and Board Rules 510-515, eligible employees shall indicate their desire concerning whether to be represented for purposes of collective bargaining on compensation and terms and conditions of employment by either the American Federation of State, County and Municipal Employees, Local 2401 or No Union. Finally, we believe that a mail ballot election is

¹As previously indicated, AFSCME originally sought to represent a consolidated unit of professional and non-professional employees. However, the parties agree that the non-professional employees are currently represented by AFSCME, Local 2921. As a result, AFSCME has requested that its Petition be limited to only professional employees.

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 employees of the District of Columbia Public Schools, Office of Contracts and Acquisitions; excluding all 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 (2001ed.) and Board Rules 510-515 in order to determine whether or not 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.
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.

April 19, 2004

CERTIFICATE OF SERVICE

This is to certify that the attached Decision on Unit Determination and Direction of Election in PERB Case No. 02-RC-01 was served via Fax and U.S. Mail to the following parties on this the 19th day of April 2004.

Loretta Blackwell, Director
Labor Management and
Employee Relations
D.C. Public Schools
825 North Capitol Street, N.E.
6th Floor
Washington, D.C. 20002

FAX & U.S. MAIL

Deborah Courtney, President
AFSCME, Local 2401
1724 Kalorama Road, N.W.
Suite 200
Washington, D.C. 20009

FAX & U.S. MAIL

Debor Dosunmu
Chief Procurement Officer
D.C. Public Schools
825 North Capitol Street, N.E.
7th Floor
Washington, D.C. 20002

FAX & U.S. MAIL

Eileen McGlone Clements
District of Columbia Public Schools
825 North Capitol Street, N.E.
6th Floor
Washington, D.C. 20002

Courtesy Copy:

Superintendent of Schools
D.C. Public Schools
825 North Capitol Street, N.E.
9th Floor
Washington, D.C. 20002

U.S. MAIL

Geo T. Johnson, Administrator
D.C. Council 20, AFSCME
1724 Kalorama, Road, N.W.
Suite 200
Washington, D.C. 20009

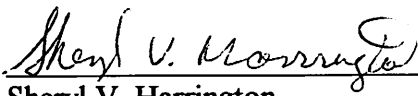
U.S. MAIL

Decision on Unit Determination
and Direction of Election
PERB Case No. 02-RC-01
Page 2

Joseph Bradley
Secretary of Treasury/AFSCME, Local 2401
1724 Kalorama Road, N.W.
Suite 200
Washington, D.C. 20009

Veleter Mazyck, Esq.
General Counsel
D.C. Public Schools
825 North Capitol Street, N.E.
9th Floor
Washington, D.C. 20002-4232

Karen Jackson, Chief
Human Resources
825 North Capitol Street, N.E.
6th Floor
Washington, D.C. 20002



Sheryl V. Harrington
Secretary