

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 formal 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**

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In the Matter of:	)	
	)	
American Federation of State,	)	
County, and Municipal Employees,	)	
D.C. Council 20, Local 2401,	)	
	)	
Petitioner,	)	
	)	
and	)	PERB Case No. 95-RC-17
	)	Opinion No. 449
Department of Human Services,	)	
	)	
Agency.	)	
	)	
	)	

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

On July 17, 1995, American Federation of State, County, and Municipal Employees, D.C. Council 20, Local 2401 (AFSCME) filed a Recognition Petition with the Public Employee Relations Board (Board). AFSCME seeks to represent, for purposes of collective bargaining, a unit of professional and non-professional employees in the Office of Investigations and Compliance in the Department of Human Services (DHS).<sup>1/</sup> 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 Rule 501.1(d). The Office of Labor Relations and Collective Bargaining (OLRCB), on behalf of the Department of Human Services, filed a response to the Petition.

The Notice requirements of Board Rule 502.6 were met in conjunction with the posting of the Notice in PERB Case No. 95-RC-14. See note 1. OLRCB confirmed in writing that said Notices had been posted accordingly. No requests to intervene were received.

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<sup>1/</sup> The proposed unit of employees in this case was initially part of a proposed unit sought by the Petitioner in PERB Case No. 95-RC-14. The Petitioner amended the unit description in that case which eliminated these employees and filed the instant Petition seeking a separate bargaining unit.

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and Direction of Election  
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The unit sought by AFSCME is as follows:

"[A]ll professional and non-professional employees in the Office of Investigations and Compliance; excluding internal affairs employees, management, supervisors, confidential employees, employees engaged in personnel work other than in purely clerical capacities, 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 § 1-618.9(a) 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, Responses and attached exhibits reveals that the unit currently consists of the following employee positions: investigators, clerks, and quality control examiners. They all share a common mission and organizational structure, i.e., the Department of Human Services, Office of Investigations and Compliance, as well as common supervision. No other labor organization represents these employees. There is no collective bargaining agreement in effect covering any of these 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 with respect to one of DHS's missions would, in our view, promote effective labor relations and efficiency of agency operations.

To resolve 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 for purposes of collective bargaining with DHS on compensation and other terms and conditions of employment. To conform with the requirements of D.C. Code Sec. 1-618.9(b)(5), concerning the inclusion of professional employees and non-professional employees in the same unit, and consistent with Board Rule 510.5, 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; and (2) Whether they wish to be included in the consolidated unit with the non-professional

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employees. Eligible non-professional employees, in the same election, shall indicate their choice only as to the former question.

**ORDER**

**IT IS HEREBY ORDERED THAT:**

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

"[A]ll professional and non-professional employees [employed by the Department of Human Services] in the Office of Investigations and Compliance; excluding internal affairs employees, management, supervisors, confidential employees, employees engaged in personnel work other than in purely clerical capacities, 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. Furthermore, an election shall be held in accordance with the provisions of D.C. Code Sec. 1-618.10 and Sections 510-515 of the Rules of the Board to determine whether or not (1) all eligible employees desire to be represented for bargaining on terms and conditions of employment by the American Federation of State, County and Municipal Employees, Local 2401, AFL-CIO; and (2) eligible professional employees wish to be included in the consolidated unit with the non-professional employees. Eligible non-professional employees, in the same election shall indicate their choice only as to the former question.

**BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD  
Washington, D.C.**

September 11, 1995