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**Government of the District of Columbia
Public Employee Relations Board**

	)	
In the Matter of:	)	
	)	
American Federation of Government	)	
Employees, Local 631	)	
	)	
Petitioner	)	
	)	
and	)	
	)	
District of Columbia Office of the State	)	PERB Case No. 24-UM-03 &
Superintendent of Education, Division of	)	24-UC-02
Student Transportation	)	
	)	Opinion No. 1928
Respondent/Petitioner	)	
	)	
and	)	
	)	
International Brotherhood of Teamsters,	)	
Local 639	)	
	)	
Respondent	)	
	)	

DECISION AND ORDER

I. Statement of the Case

On August 29, 2024, the American Federation of Government Employees, Local 631 (AFGE) filed an amended¹ petition for unit modification (Modification Petition) in PERB Case No. 24-UM-03. The Modification Petition requests that the Board amend its Certification No. 170 to add the position of Automotive Mechanic to AFGE’s existing bargaining unit at the District of Columbia Office of the State Superintendent of Education, Division of Student Transportation (OSSE).

¹ This Modification Petition cured a deficiency identified in AFGE’s initial unit modification petition, which was submitted on July 29, 2024.

On April 14, 2025, OSSE and the International Brotherhood of Teamsters, Local 639 (Teamsters) filed an amended² joint petition for unit clarification (Clarification Petition) in PERB Case No. 24-UC-02, asking the Board to clarify that the position of Automotive Mechanic is already properly included in the Teamsters' bargaining unit at OSSE.

PERB Case Nos. 24-UM-03 and 24-UC-02 were consolidated and the former was designated as the lead case. A hearing was held on June 3, 2025. The Hearing Examiner issued a report and recommendations (Report), advising the Board to deny the Modification Petition and grant the Clarification Petition, thereby affirming that the Automotive Mechanic position is included in the Teamsters' bargaining unit.³ The parties did not file exceptions.

Upon consideration of the Report, applicable law, and the joint record presented by the parties, the Board hereby adopts the Hearing Examiner's recommendations.

II. Hearing Examiner's Report and Recommendations

A. Hearing Examiner's Factual Findings

The Hearing Examiner made the following factual findings. On June 24, 1986, the Board issued Certification No. 37, certifying the Teamsters, Local Nos. 639 and 730⁴ as the sole and exclusive bargaining representatives for the following bargaining unit at the District of Columbia Public Schools (DCPS):

All employees in the Transportation and Warehouse Service Unit in the D.C. Public School System in the following job classifications: Warehouse Leader, Warehouseman, Motor Vehicle Operator, **Automotive Mechanic** and Bus Attendant. Excluded are wages as earned employees, management officials, supervisors, confidential employees, clerical employees, and employees engaged in Personnel work other than purely clerical capacities and employees engaged in the administration of the provisions of title XVII, of the District of Columbia Comprehensive Merit Personnel Act of 1978.⁵

At the time the Board granted Certification No. 37, DCPS "managed its own fleet operations, which was responsible for transporting students with disabilities to and from school." However, in 2006, following litigation brought by the students' parents, an independent Transportation Administrator was established to handle fleet operations.⁶ "In 2007, the Council of the District of Columbia reorganized the government by transferring personnel and state-level

² The Clarification Petition narrowed the job positions at issue from two, down to one—Automotive Mechanic. Report at 4-5.

³ Report at 25.

⁴ The Teamsters, Local 730 is not a party to this case.

⁵ Report at 3 (quoting *Teamsters, Local Nos. 639 and 730 and DCPS*, Certification No. 37, PERB Case No. 85-R-09 (1986)) (emphasis added).

⁶ Report at 12-13 (citing *Petties v. District of Columbia*, Civil Action No. 95-0148 (PLF), at 1 (D.D.C. 2006))

functions from DCPS to [OSSE].”⁷ In 2010, OSSE gained managerial control of the Student Division of Transportation (DOT), but OSSE remained under court supervision until 2012.⁸

In December 2012, the Automotive Mechanic position was transferred from DCPS to OSSE.⁹ Certification No. 37 was never modified to reflect this shift in management.¹⁰ However, on April 26, 2013, OSSE and the Teamsters¹¹ signed a collective bargaining agreement (CBA), which stated that the Board had certified the Teamsters to represent various positions at OSSE, including Automotive Mechanics.¹² The initial CBA covered fiscal years (FY) 2013 through FY2016¹³. OSSE and the Teamsters executed two subsequent CBAs, covering FY2017 through FY2020 and FY2021 through FY2024, the latter of which remains in effect and renews on a rolling basis.¹⁴

On October 22, 2022, the Board issued Certification No. 170, certifying AFGE, Local 631 as the sole and exclusive bargaining representative of the following bargaining unit at OSSE:

All employees in Fleet Maintenance Assistant and Fleet Maintenance Assistant (Operator) positions RW-5701 with the Office of the State Superintendent of Education, Division of Student Transportation, Fleet Maintenance, excluding managers, supervisors, confidential employees, or any employees engaged in personnel work other than in 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 2-139.¹⁵

On August 29, 2025, AFGE filed the instant Modification Petition, requesting that the Board amend Certification No. 170 to cover the following unit at OSSE:

Twenty-two employees which include Eighteen Fleet Maintenance Assistant and Fleet Maintenance Assistant (Operator) positions RW5701 and four employees in the position of **Automotive Mechanic** RW-5823 with the Office of the State Superintendent of Education, Division of Student Transportation, Fleet Maintenance, excluding managers, supervisors, confidential employees, or any employees engaged in personnel work other than in a purely clerical capacity, and employees engaged in administering the provisions

⁷ Report at 13.

⁸ Report at 13.

⁹ Report at 14.

¹⁰ Report at 7.

¹¹ The CBAs referred to herein exist between OSSE and the Teamsters, Local 639 only—not the Teamsters, Local 730. *See* Report at 4.

¹² Report at 7-8.

¹³ Report at 7.

¹⁴ Report at 7, 10.

¹⁵ Report at 3 (quoting *AFGE, Local 631 and OSSE, DOT*, Certification No. 170, PERB Case No. 22-RC-01 (2022)). Though not specified in Certification No. 170, the Modification Petition asserts that the bargaining unit established therein consists of eighteen (18) OSSE employees.

of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.¹⁶

B. Hearing Examiner's Recommendations

The Hearing Examiner established that under Board Rule 505.1(b), bargaining unit modification may be sought to add to an existing unit unrepresented classifications or employee positions created since the recognition or certification of the exclusive representative.¹⁷ The Hearing Examiner concluded that the primary issue in this case is whether OSSE's "Automotive Mechanics remain represented by the Teamsters or are unrepresented and eligible for inclusion in the AFGE bargaining unit."¹⁸

At the Hearing, AFGE argued that the Automotive Mechanics are currently unrepresented and thus, are eligible for inclusion in the bargaining unit established under Certification No. 170.¹⁹ AFGE introduced into evidence the District of Columbia Non-Union Salary Schedule for FY2022 to show that the Automotive Mechanic position is designated as unrepresented employees under salary code "XAA".²⁰ AFGE noted that when it previously filed the recognition petition which resulted in Certification No. 170, the Teamsters initially filed an intervention petition, but later withdrew it.²¹

Additionally, AFGE asserted that the OSSE Fleet Maintenance and Fleet Maintenance (Operator) positions it currently represents share working conditions, a retirement plan, and a line of supervision with Automotive Mechanics, thereby demonstrating a shared community of interest which would be served by their inclusion in a single unit.²² AFGE contended that the requested unit modification "would promote continuity in labor relations and provide representation to employees who are eligible for union representation but are currently unrepresented."²³

At the Hearing, OSSE and the Teamsters claimed that the Teamsters are the exclusive bargaining representative for OSSE Automotive Mechanics, as evidenced by the active CBA, and thus, those employees are not eligible for inclusion in the AFGE bargaining unit.²⁴ OSSE introduced a June 20, 2024, email correspondence with AFGE, in which OSSE informed AFGE

¹⁶ Report at 2 (emphasis added).

¹⁷ Report at 16.

¹⁸ Report at 6.

¹⁹ Report at 6.

²⁰ Report at 5.

²¹ Report at 10 (citing *AFGE, Local 631 and OSSE, DOT*, Certification No. 170, PERB Case No. 22-RC-01 (2022)). The recognition petition at issue in that matter did not cover Automotive Mechanics.

²² See Report at 2. Under D.C. Official Code § 1-617.09(a) of the CMPA, "The essential ingredient in every unit is community of interest...A unit should include individuals who share certain interests, such as skills, working conditions, common supervision, physical location, organization structure, distinctiveness of functions performed, and the existence of integrated work processes."

²³ Report at 2.

²⁴ Report at 4, 8, 15.

that its Automotive Mechanics were already represented by the Teamsters, under Certification No. 37.²⁵ Additionally, the Agency noted that the Board previously acknowledged the Teamsters' status as the Automotive Mechanics' exclusive representative when it allowed them to intervene in a unit modification case on the basis of that status.²⁶

Regarding the inclusion of the "XAA" code in the Automotive Mechanic position description, OSSE introduced evidence at the Hearing to show that some Automotive Mechanics' personnel records contain code "AKC," indicating they have paid dues to the Teamsters.²⁷ Further, OSSE and the Teamsters asserted and the Agency's human resources staff recognize that the "XAA" bargaining code is erroneously attached to some Automotive Mechanics and are working with the Teamsters to remedy that issue.²⁸

The Hearing Examiner reviewed the evidence presented and concluded that: (1) Certification No. 37 has never been revoked; (2) Certification No. 37 covers the position of Automotive Mechanic at OSSE, despite DCPS being listed as the employer; and (3) no other certification covers the Automotive Mechanic position.²⁹

The Hearing Examiner found that OSSE "essentially inherited" the contract between DCPS and the Teamsters when the personnel records for the employees covered therein were transferred to OSSE.³⁰ The Hearing Examiner determined that since the transfer, the Automotive Mechanics have been treated as part of the Teamsters' bargaining unit,³¹ noting that the language of the active CBA mirrors the language of Certification No. 37.³² The Hearing Examiner found it inconsequential that Certification No. 37 still refers to DCPS, as "it is not uncommon that a certification of exclusive representative will refer to a bargaining unit's previous employer rather than the current employer."³³ The Hearing Examiner also cited caselaw from the Federal Labor Relations Board and the National Labor Relations Board to support the conclusion that OSSE is the "successor" to DCPS, given their shared organizational mission, employee functions, and employee working conditions.³⁴

²⁵ Report at 10.

²⁶ Report at 4, 9 (citing *AFSCME, District Council 20 and OSSE and Teamsters, Local 639*, 65 D.C. Reg. 10106, Slip Op. No. 1675, PERB Case No. 17-UM-02 (2018) (modifying the bargaining unit established in Board Certification No. 25 to reflect that part-time Motor Vehicle Operators and Bus Attendants represented by AFSCME were no longer DCPS employees, but OSSE employees)).

²⁷ Report at 8-9.

²⁸ See Report at 12-13, 15.

²⁹ Report at 10, 17.

³⁰ See Report at 12.

³¹ Report at 15.

³² Report at 17.

³³ Report at 18.

³⁴ Report at 21 (citing *Port Hueneme, Cal. and NAGE Local 2R12-28*, 50 FLRA 363 (1995); *Fall River*, 482 US 43 (1987)).

Regarding the “XAA” bargaining code, the Hearing Examiner concluded that both the Teamsters and OSSE were responsible for the persistent error.³⁵ However, the Hearing Examiner noted that the correction thereof would require the involvement of multiple agencies, including the District of Columbia Department of Human Resources, the Office of the Chief Technology Officer, and the Office of Labor Relations and Collective Bargaining.³⁶ Regardless, the Hearing Examiner found that “erroneous union codes (whether on a position description or within Agency reports) do not determine whether a position is represented.”³⁷

The Hearing Examiner concluded that, “the proposed clarification to the 1986 Teamsters certification would continue to promote effective labor relations and the efficiency of agency operations,”³⁸ while AFGE’s proposed modification would “disrupt the ongoing labor relations environment for Automotive Mechanics.”³⁹ Thus, the Hearing Examiner recommended that the Board deny the Modification Petition and grant the Clarification Petition.⁴⁰

III. Discussion

The Board will affirm a hearing examiner’s findings and recommendations if they are reasonable, supported by the record, and consistent with Board precedent.⁴¹

The Board has long held that issues of fact concerning the probative value of evidence and credibility resolutions are reserved to the hearing examiner.⁴² In this case, the Hearing Examiner comprehensively reviewed and weighed documentary evidence, as well as witness testimony from the Teamsters’ current Secretary-Treasurer,⁴³ from a former AFGE President,⁴⁴ and from many OSSE employees, both former and current.⁴⁵ The Board concludes that the Hearing Examiner’s findings and recommendations are reasonable and supported by the record.

Under D.C. Official Code § 1-617.09(a) of the CMPA, a petition for unit modification requires a properly supported request from a labor organization and will be granted only if the

³⁵ Report at 22.

³⁶ Report at 22.

³⁷ Report at 22.

³⁸ Report at 23.

³⁹ Report at 24-25.

⁴⁰ Report at 25. The Hearing Examiner also suggested that the Teamsters or OSSE could file a separate unit modification petition, requesting that the Board modify the language of Certification No. 37 to refer to OSSE, instead of DCPS. Report at 19.

⁴¹ *WTU, Local 6 v. DCPS*, 65 D.C. Reg. 7474, Slip Op. No. 1668 at 6, PERB Case No. 15-U-28 (2018); *see also AFGE, Local 1403 v. D.C. OAG*, 59 D.C. Reg. 3511, Slip Op. No. 873, PERB Case No. 05-U-32 and 05-UC-01 (2012).

⁴² *AFGE, Local 631 v. OLRBC*, 68 D.C. Reg. 2979, Slip Op. No. 1767 at 4, PERB Case No. 20-U-23 (2021); *AFSCME, Local 2087 v. UDC*, 67 D.C. Reg. 8903, Slip Op. No. 1751 at 4, PERB Case No. 18-U-03 (2020); *Council of Sch. Officers, Local 4 v. DCPS*, 59 D.C. Reg. 6138, Slip Op. No. 1016 at 6, PERB Case No. 09-U-08 (2010); *Hatton v. FOP/DOC Labor Comm.*, 47 D.C. Reg. 769, Slip Op. No. 451 at 4, PERB Case No. 95-U-02 (1995).

⁴³ Report at 14-15.

⁴⁴ Report at 15-16.

⁴⁵ Report at 10-14.

proposed modification “promotes effective labor relations and efficiency of agency operations.” In the present matter, the Hearing Examiner determined that the Modification Petition seeks to modify Certification No. 170 to add an employee position to the AFGE bargaining unit that is already represented by the Teamsters under Certification No. 37 and therefore, the proposed unit modification would not promote effective labor relations or the efficiency of agency operations.⁴⁶ The Board finds this conclusion is consistent with the CMPA.

Lastly, the Board has held that “when the functional role and employees of a public employer/agency are transferred to a new entity established to perform in the same capacity . . . the new agency is not a new employer for the purposes of collective bargaining.”⁴⁷ The Hearing Examiner found that the Automotive Mechanics were transferred to OSSE—an agency established to absorb some of DCPS’s responsibilities—where they continued to serve in the same capacity.⁴⁸ Based on this finding, the Hearing Examiner concluded that OSSE does not constitute a new employer for the purposes of collective bargaining.⁴⁹ The Board finds that determination is consistent with Board precedent.

For the reasons stated, the Board adopts the Hearing Examiner’s determinations, denying the Modification Petition and granting the Clarification Petition.

⁴⁶ Report at 24-25.

⁴⁷ *AFSCME, Local 2921 v. DCPS and OSSE*, 60 D.C. Reg. 16499, Slip Op. No. 1440 at 5, PERB Case No. 13-U-09 (2013) (quoting *AFSCME, Locals 1200, 2776, 2401 and 2087 v. D.C., et al.*, 46 D.C. Reg. 6513, Slip Op. No. 590 at 8, PERB Case No. 97-U-15A (1999))

⁴⁸ See Report at 21-22.

⁴⁹ Report at 20-22.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Modification Petition is Denied;
2. The Clarification Petition is Granted; it is hereby clarified that Board Certification No. 37 applies to the District of Columbia Office of the State Superintendent of Education;
3. The Automotive Mechanic Position is included in the bargaining unit as certified by Certification No. 37; and
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.

October 16, 2025
Washington, D.C.