

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 Government)	
Employees, Local 2978,)	
)	
Petitioner,)	
)	
and)	
)	PERB Case No. 01-RC-02A
District of Columbia Department)	
of Health, Maternal and Family)	Opinion No. 684
Health Administration,)	
)	
Agency.)	
)	
)	
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**DECISION ON UNIT DETERMINATION
AND DIRECTION OF ELECTION**

On February 22, 2001, the American Federation of Government Employees (AFGE), Local 2978, filed a Recognition Petition (Petition) with the Public Employee Relations Board (Board), in the above-captioned proceeding. AFGE seeks to represent, for purpose of collective bargaining, a unit of unrepresented individuals employed by the District of Columbia Department of Health, Maternal and Family Health Administration. The Petition was accompanied by a showing of interest meeting the requirements of Board Rule 502.2, and a Roster of Petitioner's Officers and a copy of Petitioner's Constitution and Bylaws, as required by Board Rule 502.1 (d).

Notices concerning the Petition were issued on June 19, 2002, for conspicuous posting for fifteen (15) consecutive days where employees in the proposed unit are located at the Department of Health, Maternal and Family Health Administration. The Notices required that requests to intervene or comments be filed in the Board's office no later than July 24, 2002. The Department of Health, Maternal and Family Health Administration confirmed in writing that the Notices had been posted. Also, the Department of Health, Maternal and Family Health Administration does not

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dispute the appropriateness of the proposed bargaining unit pursuant to the criteria set forth under the Comprehensive Merit Personnel Act (CMPA) as codified under D.C. Code §1-617.09(a) (2001 ed.).¹

The unit sought by AFGE is as follows:

All professional employees employed by the District of Columbia Department of Health, Maternal and Family Health Administration, including community health educators, research analysts, program specialists and public health analysts; excluding registered nurses, managers, confidential employees, supervisors, 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 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 and attached exhibits reveals that the proposed unit consists of professional employees employed by the Department of Health, Maternal and Family Health Administration. All these employees share a common mission.

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 employees sharing a common purpose 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 finds that an election should be held to determine the will of the eligible employees in the unit described above, regarding their desire to

¹The 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 Recognition Petition. However, OLRCB indicated that AFGE has another petition pending before the Board (PERB Case No. 01-RC-02), involving non-professional employees at the same agency. As a result, OLRCB is requesting that the unit description in each case be accurate. There were no other comments received.

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be represented by AFGE for purpose of collective bargaining with the Department of Health, Maternal and Family Health Administration on compensation and other terms and conditions of employment.

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 employed by the District of Columbia Department of Health, Maternal and Family Health Administration, including community health educators, research analysts, program specialists and public health analysts; excluding registered nurses, managers, confidential employees, supervisors, 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 (2001 ed.) and Board Rules 510-515, in order to determine whether or not all eligible employees desire to be represented for purpose of collective bargaining on compensation and terms and conditions of employment, by either the American Federation of Government Employees, AFL-CIO 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.

August 21, 2002

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 01-RC-02A was transmitted via U.S. Mail to the following parties on this 21st day of August 2002.

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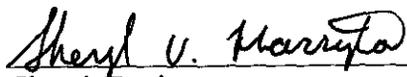
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