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GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of:)
)
American Federation of Government)
Employees, Local 2553, AFL-CIO,)
)
) Petitioner,)
)
) and)
)
District of Columbia)
Water and Sewer Authority,) PERB Case No. 96-UM-04
) Opinion No. 499
) Agency.)
)
)
)
)

DECISION AND ORDER ON UNIT MODIFICATION

On June 27 and July 30, 1996, respectively, the American Federation of Government Employees, Local 2553, AFL-CIO (AFGE), pursuant to Section 504 of the Rules of the Public Employee Relations Board (Board), filed a Petition and Amended Petition to Modify Bargaining Unit (Petition). The Petition concerns a unit of employees employed by the Water and Sewer Authority (WASA) that originally existed under the D.C. Department of Environmental Services (DES) (now the Department of Public Works (DPW)). AFGE is the certified exclusive representative of the unit, previously found appropriate for collective bargaining by the Board of Labor Relations (BLR). AFGE, Local 2553, AFL-CIO and D.C. Dept. of Environmental Services, Water Resources Management Administration, Bureau of Maintenance Services, Pumping Division, BLR Case No. 5R009 (Clarified May 14, 1976).

In accordance with Board Rule 504.3, Notices concerning the Petition were posted. The Office of Labor Relations and Collective Bargaining (OLRCB), on behalf of DPW, filed comments to the Petition. No objections or other comments to the Petition were received by the Board. A request to intervene filed by the American Federation of State, County and Municipal Employees, D.C. Council 20, Local 2091, was subsequently withdrawn. No other requests to intervene were filed. ^{1/}

^{1/} OLRCB no longer represents WASA. As a result, on October 25, 1996, counsel for WASA filed a "Motion For Extension of Time In (continued...)

Pursuant to Board Rule 504.1(a), the Petitioner seeks to reflect a change in the identity of the employing agency. (Petition at 1.) As modified, WASA will replace DES as the employing agency in the unit description. The wage board compensation system would be updated to reflect the current regular wage system for these employees.

Petitioner and OLRCB concur that as a result of a reorganization of DPW in 1996, the Water and Sewer Authority (WASA) was established as a separate entity distinct from DPW.^{2/} The bargaining units set forth in the AFGE Certifications listed above continued to exist under WASA. Petitioner requests that the consolidated unit description be amended to reflect this change in the identity of the employing agency. OLRCB states it has no objection to the modification.

In view of the fact that the Petition meets the objectives of Board Rule 504.1(a) and lack of objection by OLRCB, we find that no question concerning representation exists that would render inappropriate the proposed modification.^{3/}

We conclude for the foregoing reasons that the requested modification to the existing unit in order to reflect a change in the identity of the employing agency and compensation system is

¹(...continued)

Which To File Comment", in this matter. Board Rule 501.2 requires that a request for an extension of time should be made at least three days in advance. Exceptions to this requirement may be granted for good cause. We find the reasons provided by WASA do not support making an exception to this requirement. As a result, the motion is untimely and is therefore denied. However, the agency is not prohibited from filing its own "Petition for Unit Modification", which it has already done.

^{2/} See, D.C. Act 1-111, "Water and Sewer Authority Establishment Act and Department of Public Works Reorganization Act of 1996".

^{3/} Board Rules 504.1(a) provides for the modification of existing bargaining units under the following conditions:

(a) To reflect a change in the identity or statutory authority of the employing agency;

appropriate. Accordingly, we grant the Petition for modification of the non-compensation unit described below in the Order.

ORDER

IT IS HEREBY ORDERED THAT:

1. The non-compensation unit for which the American Federation of Government Employees, Local 2553, AFL-CIO (AFGE) is certified as the exclusive representative in BLR No. 5R009 is modified as set forth below. Nothing in this Order is to be construed as altering the scope of the bargaining unit except in the manner discussed in this Decision.

Unit Description:

All regular wage (RW) employees of the District of Columbia Water and Sewer Authority, Pumping Division, Bureau of Sewer Services and Bureau of Water Services; and Maintenance Division, Bureau of Maintenance Services (excluding the Blue Plains facility); excluding all management officials, 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.

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

November 6, 1996