

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**

In the Matter of:)	
)	
District of Columbia Government)	
Department of Public Works,)	
)	
Petitioner,)	
)	
and)	PERB Case No. 99-UCN-01
)	
American Federation of Government)	Opinion No. 610
Employees, Local 631,)	
)	
)	
Union.)	
)	

DECISION AND ORDER ON UNIT MODIFICATION

On June 18, 1999, the District of Columbia Office of Labor Relations and Collective Bargaining (OLRCB), pursuant to section 504 of the Rules of the Public Employees Relation Board (Board), filed a Petition for Unit Modification (Petition),^{1/} on behalf of the Department of Public Works (DPW). OLRCB seeks to consolidate two collective bargaining units consisting of employees employed by DPW. (Petition at 2-3). The American Federation of Government Employees, Local 631 (AFGE), is the certified exclusive representative for the units, previously found appropriate for collective bargaining.^{2/}

^{1/} The Petition was styled "Petition for Unit Consolidation." However, pursuant to Board Rule 504.3, a petition which seeks to consolidate two or more bargaining units is classified as a petition for unit modification notwithstanding its UCN case number designation. The UCN designation is used to track -for statistical purposes- unit modification petitions seeking to consolidate units.

^{2/} See, American Federation of Government Employees, Local 631 and Department of Public Works, et al., Certification No. 85, PERB Case No. 95-RC-13 (1995) and Certification No. 92, PERB Case No. 95-RC-01 (1996).

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In accordance with Board Rule 504.3, Notices concerning the Petition were posted. No objections or comments to the Petition were received by the Board.

Board Rule 504.1(d) provides that "[a] unit modification may be sought... [t]o consolidate two (2) or more bargaining units within an agency that are represented by the same labor organization." The existing unit descriptions are as follows:

All non-professional employees of the Department of Public Works, Design Engineering and Construction Administration, Office of Contract Administration, Contract Management Division; 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 provision of Title XVII of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

All professional and non-professional employees of the Department of Public Works, Office of Materials Development within the Design, Engineering and Construction Administration; 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 provision of Title XVII of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

A consolidated unit would consist of twelve (12) employees. The employees in the consolidated unit would share common working conditions, organizational structure and supervision in an integrated work process. (Petition at 4.) In accordance with D.C. Code § 1-618.9(c), we find the units, as consolidated, share a community of interest, and will promote effective labor relations and efficiency of agency operations. We find no question concerning representation exists that would render inappropriate the proposed consolidation. Therefore, we conclude for the foregoing reasons that a consolidated unit is appropriate for collective bargaining within DPW.

Accordingly, we grant the Petition and consolidate the two non-compensation units as described in the Order and Certification

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No. 108. ^{3/}

ORDER

IT IS HEREBY ORDERED THAT:

The non-compensation units for which the American Federation of Government Employees, Local 631, is certified as the exclusive representative in Certification Nos. 88 and 92, are consolidated and will be described 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 professional and non-professional employees in the Department of Public Works (DPW), Office of Materials Development within the Design, Engineering and Construction Administration; and all non-professional employees within the Design, Engineering and Construction Administration, Office of Contract Administration, Contract Management Division; 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 Government Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

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

December 8, 1999

^{3/} D.C. Code §1-618.9(b)(5) prohibits establishing a unit of "[b]oth professional and non-professional employees, unless a majority of the professional employees vote or petition for inclusion in the unit[.]" However, the instant professional employees previously voted for inclusion in a unit with non-professionals when their existing unit of professional and non-professional employees was established. Therefore, the professional employees need not be polled to effect this consolidation request. See, e.g., American Federation of Government Employees, Local 631, AFL-CIO and D.C. Water and Sewer Authority, 46 DCR 4402, Slip Op. No. 498, PERB Case No. 96-UM-03 (1999).

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District of Columbia Government)	
Department of Public Works,)	
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Petitioner,)	
)	
and)	PERB Case No. 99-UCN-01
)	
American Federation of Government)	Certification No. 108
Employees, Local 631,)	
)	
)	
Respondent.)	

CERTIFICATION OF REPRESENTATIVE ^{1/}

A representation proceeding having been conducted in the above-captioned matter by the Public Employee Relations Board (Board) in accordance with the District of Columbia Merit Personnel Act of 1978 and the Rules of the Board and it appearing that an exclusive representative has been designated;

Pursuant to the authority vested in the Board by D.C. Code §§ 1-605.2(1) and (2), 1-618.9(c); and Board Rule 504.1(d) and 504.5(e);

IT IS HEREBY CERTIFIED THAT:

The American Federation of Government Employees, (AFGE), Local 631, has been designated by a majority of the employees of the above-named public employer in the consolidated unit described below, as their preference for its exclusive representative for the purpose of collective bargaining concerning both compensation and

^{1/} By virtue of the Board's modification of unit in a Decision and Order issued simultaneously herewith (Slip Op. No. 610), this Certification supersedes the Certification of the American Federation of Government Employees (AFGE), Local 631, as the exclusive representative of the unit set forth in American Federation of Government Employees, Local 631 and Department of Public Works, Certification No. 85, PERB Case No. 95-RC-13 (1995) and Certification No. 92, PERB Case No. 96-RC-01 (1996).

Certification of Representative
PERB Case No. 99-UCN-01

terms-and-conditions matters with the employer.

Unit Description:

All professional and non-professional employees in the Department of Public Works (DPW), Office of Materials Development within the Design, Engineering and Construction Administration; and all non-professional employees within the Design, Engineering and Construction Administration, Office of Contract Administration, Contract Management Division; 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 Government Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

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

December 8, 1999



Julio A. Castillo
Executive Director

Certificate of Service

This is to certify that the attached Decision and Order and Certification of Representative in PERB Case No. 99-UCN-01 was mailed (U.S. Mail) to the following parties on this the 8th day of December, 1999.

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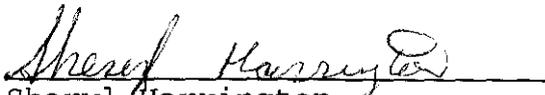
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