

Decision on Unit Determination
and Direction of Election
PERB Case No. 94-R-06
Page 2

Notices concerning the amended Petition were issued on May 9, 1995, for conspicuous posting at DPW for 15 consecutive days. The Notice required that requests to intervene or comments be filed in the Board's office not later than June 7, 1995. [DPW confirmed in writing that said Notices had been posted accordingly.]

The unit sought by AFGE is as follows:

"[A]ll professional employees of the Department of Public Works, Facilities Operation and Maintenance Administration, Office of Contract Support and the Office of Standards and Inspection; 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, as amended, D.C. Law 2-139."

D.C. Code Sec. 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 and attached exhibits reveals that the unit currently consists of general engineers and a civil engineer. They are all of the same profession, engineers, and support a common mission within the Office of Contract Support and the Office of Standards and Inspection. They all work in the same location within a common organizational component of DPW, as well as share common supervision.

In view of the above, the Board finds these employees share a community of interest. Such a unit of employees sharing a common purpose with respect to one of DPW's missions would, in our view, promote effective labor relations and efficiency of agency operations.^{2/}

^{2/} The Office of Labor Relations and Collective Bargaining (OLRCB), in its response to the amended petition, stated that a unit of professional employees was not appropriate because it did not include the nonprofessional employees in the Office of Contract Support and Office of Standards and Inspection. OLRCB suggests that the most appropriate action by AFGE is to amend the existing

(continued...)

Decision on Unit Determination
and Direction of Election
PERB Case No. 94-R-06
Page 3

To resolve the question concerning 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, or not, by AFGE for purposes of collective bargaining with DPW 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:

"[A]ll professional employees of the Department of Public Works, Facilities Operation and Maintenance Administration, Office of Contract Support and the Office of Standards and Inspection; 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,

²(...continued)

unit to add the professional employees. Board Rules permit the modification of existing units, under certain circumstances, to add previously unrepresented employees. The Petitioner's decision not to pursue such a course of action does not render inappropriate a separate unit consisting of these unrepresented employees.

As stated in the text, the nonprofessional employees in the Office of Contract Support and Office of Standards and Inspection are already represented by AFGE as part of a consolidated unit at DPW. D.C. Code § 1-618.9(b)(5) proscribes the establishment of units that consist of both professional and nonprofessional employees "unless a majority of the professional employees vote or petition for inclusion in [a combined] unit". AFGE only seeks the professional employees. These employees could not be added to the existing unit unless a majority of them voted for inclusion. If the proposed unit is established, the professional employees still may be consolidated with the existing DPW unit pursuant to D.C. Code § 1-618.9(c). Such a consolidation, however, is not required under the CMPA.

**Decision on Unit Determination
and Direction of Election
PERB Case No. 94-R-06
Page 4**

as amended, 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 all eligible employees desire to be represented for bargaining on terms and conditions of employment by the American Federation of Government Employees, Local 631 (AFGE).

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

June 14, 1995