



**Decision on Unit Determination  
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all other employees, 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 Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

Notices concerning the Petition were issued on March 25, 1997, for conspicuous posting for 15 consecutive days where employees in the proposed unit are located. The Notice required that requests to intervene or comments be filed in the Board's office not later than April 17, 1997. WASA confirmed in writing that said Notices had been posted. On April 17, 1997, AFGE, Local 631 filed a request to intervene. The petitioner filed an Opposition to the request. No other requests to intervene or comments were received.

AFGE, Local 631 based its request to intervene on its contention that (1) all professional employees in the proposed unit are on detail from another unit represented by AFGE, Local 631 and are not interested in being represented by the Petitioner and (2) all the non-professional employees are already represented by the Petitioner. While none of these reasons support a basis for intervention as prescribed under Board Rule 502.8, our investigation of the Petition and review of WASA personnel records revealed that the proposed unit consists of professional and non-professional employees permanently assigned to the division of WASA in the unit description. Moreover, our records reflect that no other labor organization has been certified to represent the professional or non-professional employees in the Bureau of Sewer Services, Pumping Division as it exists under WASA or previously existed under the Department of Public Works or Department of Environmental Services.<sup>1/</sup> In view of the above, AFGE, Local 631's request to intervene based on these reasons is denied.

On May 2, 1997, AFGE, Local 631 submitted authorization cards signed by employees in the proposed unit presumably to provide a showing of interest to support another attempt to intervene in

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<sup>1/</sup> AFGE, Local 631, also made a bare assertion that the Notice was not adequately posted. AFGE, Local 631, did not explain the basis of its contention or submit any supporting evidence. However, notwithstanding this contention, the adequacy of the Notice posting does not support a basis for intervening as prescribed under Board Rule 502.8.

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accordance with Board Rule 502.8. <sup>2/</sup> Board Rule 502.7, however, provides that: "[a] labor organization may file an intervention petition within the period required by the Notice and said petition shall contain the same information as required under Subsection 502.1 of these rules." (emphasis added.) This request to intervene is untimely in accordance with Board Rule 502.7, and therefore must be dismissed. <sup>3/</sup> See, Fraternal Order of Police/Department of Human Services Labor Committee and D.C. Department of Human Services, Slip Op. No. 494, PERB Case 96-RC-02 (1996).

Turning to the Petition, D.C. Code § 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.

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<sup>2/</sup> Board Rule 502.8 provides:

Intervention petition(s) shall be accompanied by the following:

- (a) A showing of interest that at least ten percent (10%) of the employees in the bargaining unit set forth in the petition for the exclusive recognition wish to be represented by the intervening labor organization, unless a different unit is proposed by the intervenor, in which case a showing of interest of at least thirty percent (30%) shall accompany the intervenors petition; or
- (b) Where applicable, a statement that the intervenor is the incumbent exclusive representative of the employees in the proposed unit. The incumbent labor organization shall be allowed to intervene as a matter of right without submitting any showing of interest.

With respect to subsection (b), AFGE, Local 631 in its April 17 filing did not contend it was the incumbent labor organization of the employees in the proposed unit; rather, it asserted that certain employees in the proposed unit were not actually a part of another existing unit it represented.

<sup>3/</sup> The Petitioner filed an Opposition to AFGE, Local 631's Showing of Interest, challenging its adequacy. In view of our disposition, this determination has been rendered moot.

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Our review of the Petition, attached exhibits and other submissions of the parties reveals the following concerning the proposed unit. The unit currently consists of the following employee positions: mechanical engineer, civil engineer, civil engineer technician and clerk. They all share a common organizational structure and mission within the Bureau of Sewer Services as well as common supervision. No other labor organization represents these employees. There is no collective bargaining agreement in effect covering any of these employees.

In view of the above, sufficient factors exist for the Board to find that these employees share a community of interest. The consolidation of a unit of all professional and nonprofessional employees in a component of WASA that share a common purpose and mission would with an existing unit of all employees represented by the Petitioner at WASA, in our view, promote effective labor relations and efficiency of agency operations, should the Petitioner prevail.

To resolve the question of 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 by AFGE for purposes of collective bargaining with WASA on compensation and other terms and conditions of employment. To conform with the requirements of D.C. Code § 1-618.9(b)(5), concerning the inclusion of professional employees and non-professional employees in the same unit, and consistent with Board Rule 510.5, eligible professional employees shall indicate their choice on separate ballots as to (1) Whether they desire to be represented for bargaining on terms and conditions of employment by AFGE; and (2) Whether they wish to be included in the consolidated unit with non-professional employees. Eligible non-professional employees, in the same election, shall indicate their choice only as to the former question.

ORDER

IT IS HEREBY ORDERED THAT:

1. The following unit, in consolidation with the existing unit represented by AFGE as described in PERB Case 96-UM-04 is an appropriate unit for collective bargaining over terms and conditions of employment:

Existing Unit

All Regular Wage (RW) employees of the District of Columbia Water and Sewer Authority, Bureau of Sewer

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Services, Pumping Division; Bureau of Water Services, Pumping Division; Bureau of Maintenance Services, Pumping Station employees (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 Merit Personnel Act of 1978, D.C. Law 2-139.

Unit of Employees Sought

All unrepresented professional and non-professional employees under the District Service (DS) compensation system employed by the D.C. Water and Sewer Authority, Bureau of Sewer Services, Pumping Division; excluding all other employees, 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 Comprehensive Merit Personnel Act of 1978, 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 (1) all eligible employees desire to be represented for bargaining on terms and conditions of employment by the American Federation of Government Employees, Local 2553, AFL-CIO; and (2) eligible professional employees wish to be included in the consolidated unit with non-professional employees. Eligible non-professional employees, in the same election shall indicate their choice only as to the former question.

3. Should AFGE prevail in the election, AFGE's request to consolidate the unit with its existing unit at WASA established in PERB Case No. 96-UM-04, described above, is granted and the certification issued shall reflect the collective bargaining unit as consolidated.

4. AFGE, Local 631's requests to intervene are denied and dismissed, respectively.

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

May 22, 1997

**CERTIFICATE OF SERVICE**

This is to certify that the attached Decision on Unit Determination and Direction of Election in PERB Case No. 97-RC-01 was sent via facsimile and/or mailed (U.S. Mail) to the following parties on the 22nd day of May, 1997.

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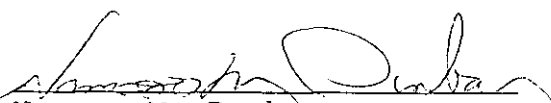
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