

GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of:

American Federation of State,
County and Municipal Employees,
District Council 20, AFL-CIO,

Petitioner,

and

D.C. Office of Cable Television,

Agency.

PERB Case No. 90-R-05
Opinion No. 247

DECISION ON UNIT DETERMINATION
AND DIRECTION OF ELECTION

On April 5, 1990, American Federation of State, County and Municipal Employees, District Council 20, AFL-CIO (AFSCME) filed a Representation Petition with the Public Employee Relations Board (Board) seeking to represent exclusively a unit of employees at the D.C. Office of Cable Television (OCT). The Petition was properly accompanied by a showing of interest meeting the requirements of Section 101.2 of the Interim Rules of the Board.

Notices concerning the Petition were posted on April 9, 1990. There were no requests to intervene or objections filed in response to the Petition. In its comments responding to the Petition, OCT did not oppose the proposed unit. OCT did contend, however, that the unit description was deficient as it failed to specify the precise statutory exclusions. Furthermore, should the Board find the proposed unit to be appropriate, OCT requested that an election be held to determine recognition.

The Board issued interrogatories and a request for production of documents to OCT on May 18, 1990. OCT filed its response to the interrogatories on May 29, 1990.

Having concluded its investigation and review of the record in this matter, the Board finds that the unit set forth below meets the requirements for an appropriate unit for collective bargaining over the terms and conditions of employment:

All employees of the D.C. Office of Cable Television, excluding management officials, supervisors, employees engaged in personnel work in other than purely clerical capacities, and employees engaged in administering the provisions of Title XVII of the District of Columbia Merit Personnel Act of 1978.^{1/}

D.C. Code Section 1-618.9(a) requires that a community of interest exist for a unit to be found appropriate by the Board for collective bargaining over the terms and conditions of employment. Under this provision, the Board determines on a case-by-case basis whether the employees in the proposed unit share certain interests, including skills, common supervision, physical location, organization structure, distinctiveness of functions performed, and the existence of integrated work processes.

OCT's mission is providing television programming for the District of Columbia cable system's municipal channel. Its response to the interrogatories reveals that there is no history of collective bargaining with respect to the three job classifications in the unit, i.e., associate producer, television equipment operator, and playback technician. Although the nature of OCT's mission may require the associate producer and television equipment operator to perform their duties on location and outdoors, employees occupying all three positions in the unit are under the common supervision of the production manager and are based in the same physical location. Moreover, the duties and responsibilities attendant to all three positions are integrally related. In this regard, there is a significant degree of overlap with respect to the hands-on knowledge that is necessary to operate technical equipment common to all three positions, e.g., JVC Special Effects Generator, Panasonic WV 555 Camera, and Sony RM 440 Editor. As such, these employees are subject to the same health and safety concerns incident to the regular handling of equipment which can weigh from 20 to 75 pounds, e.g., cuts, bruises, and muscle strain. Finally, compensation for two of the three job classifications in the unit, associate producer and playback technician, which are occupied by four of the six employees in the unit, is determined under the District Schedule.

1/ The unit description set forth in the Petition has been modified to indicate the specific statutory exclusions provided in D.C. Code Section 1-618.9(b)(1) through (4). The Petition's general reference to the CMPA in its description of excluded employees obviates the need to formally amend the Petition to reflect the administrative modification herein.

Viewing the above factors in their entirety, the Board finds that the proposed unit meets the community of interest requirements. We conclude, therefore, that the unit will promote effective labor relations and is appropriate for collective bargaining for terms and conditions of employment under D.C. Code Section 1-619.9(a).

Having found that the above-described unit is an appropriate unit for collective bargaining over terms and conditions of employment, the Board directs that an election be held to determine the will of the eligible employees concerning representation in collective bargaining with OCT.

ORDER

IT IS ORDERED THAT:

The above-described unit is an appropriate unit for collective bargaining over the terms and conditions of employment.

An election be held pursuant to Section 102 of the Interim Rules of the Board to determine whether the unit employees wish to be represented by AFSCME District Council 20, or not, for purposes of collective bargaining over terms and conditions of employment.

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

June 14, 1990