

Notice: This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify the 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**

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In the Matter of:)
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American Federation of)
Government Employees, Local 872)
)
 Petitioner,)
)
 and) PERB Case No. 99-RC-01
) Opinion No. 601
District of Columbia)
Water and Sewer Authority,)
)
 Agency.)

**DECISION ON UNIT DETERMINATION
AND VOLUNTARY RECOGNITION**

On June 2, 1999, the American Federation of Government Employees, Local 872 (AFGE), filed a Recognition Petition with the Public Employee Relations Board (Board) seeking to represent, for purposes of collective bargaining, a unit of all District Service (DS) and Wage Grade (WG) employees employed by the District of Columbia Water and Sewer Authority (WASA) in the Water Quality Division. The Petition was accompanied by a showing of interest meeting the requirement of Board Rule 502.2. The Petitioner filed a Roster of Petitioner's Officers and a copy of Petitioner's Constitution and Bylaws, as required by Rule 501.1(d). WASA filed no opposition to the Petition.

Notices concerning the Petition were issued on June 25, 1999, for conspicuous posting for fifteen (15) consecutive days where employees in the proposed unit are located. WASA confirmed in writing that said Notices had been posted accordingly. Requests to intervene or comments on the Petition were required to be filed in the Board's office no later than July 26, 1999. No comments or requests to intervene were received.

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The unit sought by AFGE is as follows:

"All District Service (DS) and Wage Grade (WG) employees employed by the D.C. Water and Sewer Authority in the Water Quality Division; excluding management officials, supervisors, confidential employees, 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."

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.

We have reviewed the Petition, attached exhibits and the parties' Responses to our investigation of the proposed unit. The unit currently consists of the job classification of water quality worker. All employees share a common organizational structure, supervision and mission within WASA. They are compensated under both the Wage Grade (WG) and District Service (DS) pay systems; however, they share similar benefits and possess similar job skills and duties. 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 meet the Comprehensive Merit Personnel Act's community of interest criteria, as codified under D.C. Code § 1-618.9(a), for finding an appropriate unit. WASA does not contend that the unit of employees that share a community of interest and a common purpose and mission would impede effective labor relations and efficiency of agency operations within WASA. Therefore, we so find. See, e.g., American Federation of State, County and Municipal Employees, D.C. Council 20, AFL-CIO and Commission on Mental Health

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Services, Dept of Human Services, 38 DCR 5039, Slip Op. No. 278,
PERB Case No. 90-R-01 (1991).

Pursuant to D.C. Code § 1-618.10(b)(1), AFGE has filed a Motion for Voluntary Recognition. WASA does not oppose recognition on this basis. Board Rule 502.12 provides that "the Board may permit the employing agency to recognize the labor organization without an election on the basis of evidence that demonstrates majority status (more than 50%)... indicating that employees wish to be represented by the petitioning labor organization."

We have reviewed the evidence and conclude that it establishes the will of a majority of the employees in the unit regarding their desire to be represented by AFGE for purposes of collective bargaining with WASA on compensation and other terms and conditions of employment. We find in all other respects that the requirements of D.C. Code § 1-618.10(b)(1) and Board Rule 502.12 have been met. Therefore, certification of representation shall be granted to AFGE without an election.

ORDER

IT IS HEREBY ORDERED THAT:

1. The following unit is an appropriate unit for collective bargaining over terms and conditions of employment:

"All District Service (DS) and Wage Grade (WG) employees employed by the D.C. Water and Sewer Authority in the Water Quality Division; excluding management officials, supervisors, confidential employees, 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."

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2. Pursuant to D.C. Code § 1-618.10(b)(1) and in accordance with Board Rule 502.12, the D.C. Water and Sewer Authority is permitted to voluntarily recognize, without an election, the American Federation of Government Employees, Local 872, AFL-CIO (AFGE) as the collective bargaining representative of the unit found appropriate above.

3. The attached Certification of Representative is granted to AFGE as the exclusive collective bargaining representative for the unit found appropriate for purposes of bargaining compensation and other terms and conditions of employment.

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

October 25, 1999