

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**

<b>In the Matter of:</b>	)	
	)	
<b>American Federation of Government Employees, Local 631, AFL-CIO,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>and</b>	)	<b>PERB Case No. 96-RC-01</b>
	)	<b>Opinion No. 463</b>
<b>District of Columbia</b>	)	
<b>Department of Public Works,</b>	)	
	)	
<b>Agency.</b>	)	
	)	
	)	

**DECISION ON UNIT DETERMINATION  
AND DIRECTION OF ELECTION**

On December 6, 1995, the American Federation of Government Employees, Local 631 (AFGE), filed a recognition Petition with the Public Employee Relations Board (Board). AFGE seeks exclusive representation for the purposes of collective bargaining, for a unit of professional and non-professional employees of the Department of Public Works, Office of Materials Development and Research within the Design, Engineering and Construction Administration. The Petition was accompanied by a showing of interest meeting the requirement of Board Rule 502.2, and a Roster of Petitioner's Officers and a copy of Petitioner's Constitution and Bylaws, as required by Rule 501.1(d).

Notices concerning the Petition were issued on December 27, 1995, for conspicuous posting for 15 consecutive days where bargaining unit employees are located at the Department of Public Works (DPW). The Notice required that requests to intervene or comments be filed in the Board's office not later than January 25, 1995. OLRCB confirmed in writing that said Notices had been posted accordingly.

The unit sought by AFGE is as follows:

"All professional and non-professional employees of the Department of Public Works, Office of Materials Development and Research 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 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.

Our review of the Petition, Response and attached exhibits reveals that the unit currently consists of the employee positions of civil engineer, civil engineering technician, staff assistant and secretary/typist. These employees share a common mission and organizational structure within the Department of Public Works, i.e., Office of Material Development and Research within the Design Engineering and Construction Administration, as well as common supervision. There is no other labor organization currently representing this group of employees.

In view of the above, sufficient factors exist for the Board to find that 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, and thereby constitute an appropriate unit under the Comprehensive Merit Personnel Act.

Regarding 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 DPW 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

Decision on Unit Determination  
and Direction of Election  
PERB Case No. 96-RC-01  
Page 3

employees and nonprofessional 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 condition of employment by AFGE; and (2) Whether they wish to be included in the consolidated unit with the nonprofessional employees. Eligible nonprofessional employees, in the same election, shall indicate their choice only as to the former question.<sup>1/</sup>

**ORDER**

**IT IS HEREBY ORDERED THAT:**

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

"All professional and non-professional employees of the Department of Public Works, Office of Materials Development and Research 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 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 § 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 631, AFL-CIO; and (2) eligible professional employees wish to be included in the

---

<sup>1/</sup> Pursuant to D.C. Code §1-618.9(b)(5), a unit of professional employees will not be included in a unit with nonprofessional employees unless the majority of the professional employees vote for inclusion, as directed above.

Decision on Unit Determination  
and Direction of Election  
PERB Case No. 96-RC-01  
Page 4

consolidated unit with the nonprofessional employees. Eligible nonprofessional employees, in the same election shall indicate their choice only as to the former question.

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

January 31, 1996