

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**

In the Matter of:)

American Federation of Government)
Employees, Local 631, AFL-CIO,)

Petitioner,)

and)

Department of Public Works, Water)
and Sewer Utility Administration,)
Office of Administrative Services,)
Procurement and Facilities Division,)
Goods and Services Branch,)

Agency.)

PERB Case No. 94-R-07
Opinion No. 442

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

On September 9, 1994, American Federation of Government Employees, Local 631, AFL-CIO (AFGE) filed a Recognition Petition in the above-captioned proceeding. AFGE seeks to represent, for purposes of collective bargaining, a unit of non-professional employees of the District of Columbia Department of Public Works, Water and Sewer Utility Administration, Office of Administrative Services, Goods and Services Branch within the Procurement and Facilities Divisions. 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). The Office of Labor Relations and Collective Bargaining (OLRCB), on behalf of the Department of Public Works, filed a response to the Petition.

Notices concerning the Petition were issued on October 5, 1994, 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 November 4, 1994. OLRCB confirmed in

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writing that said Notices had been posted accordingly. One request to intervene was received which we address in the margin below.^{1/}

The unit sought by AFGE is as follows:

"[A]ll non-professional employees of the Department of Public Works, Water and Sewer Utility Administration, Procurement and Facilities Divisions, Goods and Services Branch, within the Office of Administrative Services; excluding all management officials, supervisors, professionals, 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

^{1/} AFGE had originally sought all non-professionals -- consisting of District Service employees-- in the Procurement and Facilities Division (PFD). The PFD is divided into two branches, the Goods and Services Branch and the Utilities Service Branch. The American Federation of State, County and Municipal Employees, D.C. Council 20, AFL-CIO (AFSCME) filed a Petition to Intervene based on their Certification of Representative in American Federation of State, County and Municipal Employees, D.C. Council 20, AFL-CIO and Dep't of Public Works, Slip Op. No. 334, PERB Case No. 92-R-07 (1992), Certification No. 69. In that case AFSCME was certified as the exclusive representative of a unit of regular wage service employees of the Water and Sewer Utility Administration, Office of Administrative Services, Buildings and Grounds Division (BGD). As a result of a reorganization of DPW, the BGD became part of the Utilities Service Branch. (OLRCB Letters of Oct. 4, 1994 and June 29, 1995.)

AFGE subsequently amended the unit description in its Petition by limiting the proposed unit to the Goods and Services Branch in the PFD. Following the amendment, AFSCME withdrew its request to intervene in view of our findings discussed above. We hereby accept AFSCME's request to withdraw its request to intervene.

labor relations and efficiency of agency operations.

Our review of the Petition and attached exhibits reveals the following concerning the proposed unit. The unit currently consists of the following employee positions: contract specialist and water and sewer utility inspector. They all share a common organizational structure and mission within the Department of Public Works 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. A unit of all non-professional employees in a component of DPW that share a common purpose and mission would, in our view, promote effective labor relations and efficiency of agency operations.

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 the Department of Public Works 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 non-professional employees of the Department of Public Works, Water and Sewer Utility Administration, Procurement and Facilities Divisions, Goods and Services Branch, within the Office of Administrative Services; excluding all management officials, supervisors, professionals, 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

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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, AFL-CIO (AFGE).

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

Washington, D.C.
July 21, 1995