

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:)	
)	
District of Columbia Government)	
Department of Public Works,)	
)	
Petitioner,)	
)	
and)	PERB Case Nos. 99-UM-06
)	and 99-UCN-04
)	
American Federation of Government)	Opinion No. 614
Employees, Local 631,)	
)	
Respondent.)	

DECISION AND ORDER ON UNIT MODIFICATION

On June 22, 1999, the District of Columbia Office of Labor Relations and Collective Bargaining (OLRCB), pursuant to section 504 of the Rules of the Public Employee Relations Board (Board), filed a Petition for Unit Modification (Petition), on behalf of the District of Columbia Department of Public Works (DPW). The Petition concerns three (3) collective bargaining units represented by the American Federation of Government Employees, Local 631 (AFGE).^{1/} OLRCB seeks to change the identity of the employing agency for one of these units from the Department of

^{1/} See, American Federation of Government Employees, Local 631, AFL-CIO and Department of Environmental Services, Bureau of Labor Relations (BLR) Case No. 5R003 (1976); American Federation of Government Employees, Local 631, AFL-CIO and Department of Public Works, PERB Case No. 95-RC-01, Certification No. 79 (1995); and American Federation of Government Employees, Local 631, AFL-CIO and Department of Public Works, PERB Case No. 95-RC-18, Certification No. 91 (1995).

Decision and Order on Unit Modification
PERB Case Nos. 99-UM-06 and 99-UCN-04
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Environmental Services (DES) to the DPW. OLR CB further seeks to consolidate all three units into a single larger unit. (Petition at 2). The existing units were previously found appropriate for collective bargaining and are described as follows:

All employees of the Mobile Equipment Management Division, Office of Executive Management, Department of Environmental Services; excluding shop and office employees assigned to the Mt. Olivet Shops, management executives, confidential employees, supervisors, or any employee engaged in personnel work in other than a purely clerical capacity.

All non-professional employees of the Department of Public Works, Office of Management Services, Contract Support Division; excluding all management officials, confidential employees, supervisors, employees engaged in personnel work in other than a purely clerical capacity, and employees administering the provision of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

All unrepresented non-professional employees of the Department of Public Works, Office of Management Services, Administrative Services Branch; 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.

In accordance with Board Rule 504.3, Notices concerning the Petition were posted. No objections or comments to the Petition were received by the Board.

Board Rule 504.1(a) provides that "[a] unit modification may be sought... [t]o reflect a change in the identity or statutory authority of the employing agency[.]" OLR CB states that the modification is sought as a result of the Mayor's "Reorganization Plan No. 4 of 1983", which changed the statutory identity of DES to DPW. (Pet. at 2). Board Rule 504.1(d) permits the "consolidation of two or more bargaining units within an agency that are represented by the same labor organization[.]" However, the consolidated unit must continue to be an appropriate unit in accordance with D.C. Code § 1-618.9(c).

The employees in the proposed consolidated unit continue to share common working conditions, organizational structure and

Decision and Order on Unit Modification
PERB Case Nos. 99-UM-06 and 99-UCN-04
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supervision. Employees continue to maintain distinctiveness of function in an integrated work process. (Pet. at 5). Based on these factors, we find the employees in the unit, as modified, meet the community of interest criteria for finding an appropriate unit under D.C. Code § 1-618.9(c). We further find that the modified unit will continue to promote effective labor relations and efficiency of agency operations. Therefore, we conclude for the foregoing reasons that the modified unit is appropriate for collective bargaining within DPW. The requested modifications do not give rise to a question concerning the representation of the unit that would necessitate an election to poll the type of employees included in the current scope of the modified bargaining unit.^{2/}

Accordingly, we grant the Petition and modify the subject non-compensation bargaining units as described in the Order and in Certification No. 111, issued simultaneously herewith.

ORDER

IT IS HEREBY ORDERED THAT:

The non-compensation units for which the American Federation of Government Employees, Local 631, is certified as the exclusive representative in BLR Case No. 5R003 and Certification Nos. 79 and 91, are modified and will be described as set forth below. Nothing in this Order is to be construed as altering the scope of the bargaining unit except in the manner discussed in this Decision.

Unit Description:

^{2/} D.C. Code §1-618.9(b)(5) prohibits establishing a unit of "[b]oth professional and non-professional employees, unless a majority of the professional employees vote or petition for inclusion in the unit[.]" The investigation revealed that the former unit (BLR No. 5R003) of "[a]ll employees of the Mobile Equipment Management Division, Office of Executive Management, Department of Environmental Services did not include any professional employees. In the event that professional employees are ever added to the new consolidated unit consisting of "[a]ll employees employed by the Department of Public Works (DPW) under the Mobile Equipment Management Division, Office of Executive Management", the professional employees would have to be polled to effect such a modification of this unit. See, e.g., American Federation of Government Employees, Local 631, AFL-CIO and D.C. Water and Sewer Authority, 46 DCR 4402, Slip Op. No. 498, PERB Case No. 96-UM-03 (1999).

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All employees employed by the Department of Public Works (DPW) under the Mobile Equipment Management Division, Office of Executive Management (excluding shop and office employees assigned to the Mt. Olivet Shops); and all non-professional employees employed by DPW under the Office of Management Services, Contract Support Division and the Administration Service Branch; 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 Government Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

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

December 17, 1999

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**GOVERNMENT OF THE DISTRICT OF COLUMBIA
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American Federation of Government)	Certification No. 111
Employees, Local 631,)	
)	
Respondent.)	
<hr/>)	

CERTIFICATION OF REPRESENTATIVE ^{1/}

A representation proceeding having been conducted in the above-captioned matter by the Public Employee Relations Board (Board) in accordance with the District of Columbia Comprehensive Merit Personnel Act of 1978 and the Rules of the Board and it appearing that an exclusive representative has been designated;

Pursuant to the authority vested in the Board by D.C. Code §§ 1-605.2(1) and (2), 1-618.9(c); and Board Rule 504.1(a) and (d) and 504.5(e);

IT IS HEREBY CERTIFIED THAT:

^{1/} By virtue of the Board's modification of unit in a Decision and Order issued simultaneously herewith (Slip Op. No. 614), this Certification supersedes the Certification of the American Federation of Government Employees (AFGE), Local 631, as the exclusive representative of the units set forth in Bureau of Labor Relations Case No. 5R003; American Federation of Government Employees, Local 631, AFL-CIO and Department of Public Works, PERB Case No. 95-RC-01, Certification No. 79 (1995); and American Federation of Government Employees, Local 1975, AFL-CIO and Department of Public Works, PERB Case No. 95-RC-18, Certification No. 91 (1995).

Certification of Representative
PERB Case No. 99-UM-08
and 99-UCN-06
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The American Federation of Government Employees, (AFGE), Local 631, has been designated by a majority of the employees of the above-named public employer in the modified unit described below, as their preference for its exclusive representative for the purpose of collective bargaining concerning both compensation and terms-and-conditions matters with the employer.

Unit Description:

All employees employed by the Department of Public Works (DPW) under the Mobile Equipment Management Division, Office of Executive Management (excluding shop and office employees assigned to the Mt. Olivet Shops); and all non-professional employees employed by DPW under the Office of Management Services, Contract Support Division and the Administration Service Branch; 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 Government Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

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

December 17, 1999



Julio A. Castillo
Executive Director

Certificate of Service

This is to certify that the attached Decision and Order and Certification of Representative in PERB Case Nos. 99-UM-06 and 99UCN-04 was mailed (U.S. Mail) to the following parties on this the 17th day of December, 1999.

Russell Carpenter
Labor Relations Officer
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Barbara Milton
American Federation of
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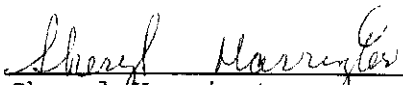
Courtesy Copies:

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