GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of:

American Federation of
Government Employees, Local 872,
Complainant,

v.

District of Columbia
Department of Public Works,
Respondent.

PERB Case No. 89-U-13
Opinion No. 275

DECISION AND ORDER

The history and issues in this case are set out by the
Hearing Examiner in his Report and Recommendation. 1/

The Union has excepted to the Hearing Examiner's findings
and conclusions, asserting that neither is supported by the
record with respect to the disputed supervisory status of Phillis
Washington. These exceptions, similar to those filed in a
related matter (AFGE Local 872 v. Dept. of Public Works, 38 DCR
1627, Slip Op. No. 265, PERB Case No. 89-U-11 (1990)), merely
disagree with the weight and credibility accorded to certain
evidence by the Hearing Examiner. 2/

The Union contends that the Hearing Examiner disregarded
both testimony and pertinent regulations bearing on the issue of
whether Ms. Washington was performing in a supervisory capacity
while serving on a six-month detail as Lead Water Billing
Assistant - a position undisputedly within the bargaining unit.
The Union's contentions, again, present no more than a
disagreement with the Hearing Examiner's assessment of the
witnesses' testimony and other evidence before him.

1/ Copies of the Hearing Examiner's Report may be obtained at
the Board's offices.

2/ After the hearing had closed, DPW moved to re-open the
record to include the Hearing Examiner's Report submitted in AFGE
v. DPW, (supra). AFGE opposed DPW's motion. The parties were
notified by the Executive Director that the Report, in any event,
was not forwarded to the Hearing Examiner in this proceeding, as
he had already completed his Report.
Accordingly, we accept the Hearing Examiner's findings, conclusions and recommendation and hereby dismiss the Complaint.

ORDER

IT IS HEREBY ORDERED THAT:

The Complaint is dismissed.

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

April 15, 1991