

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. <sup>1/</sup>

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. <sup>2/</sup>

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.

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

<sup>2/</sup> 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.

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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