

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:)	
)	
Service Employees International)	
Union, District 1199E,)	
)	
Petitioner,)	
)	
and)	
)	
District of Columbia)	
Water and Sewer Authority,)	PERB Case No. 98-RC-01
)	Opinion No. 573
Agency.)	
)	
)	

DECISION AND ORDER

On October 23, 1997, the Service Employees International Union (SEIU), District 1199E, (Petitioner), in accordance with Section 502 of the Rules of the Public Employee Relations Board (Board), filed a Recognition Petition (Petition). The Petitioner seeks to represent, for purposes of collective bargaining, a unit of "[a]ll Supervisory Wage (SW) foremen employed by the District of Columbia Water and Sewer Authority (WASA). 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). WASA filed a response to the Petition.

Notices concerning the Petition were issued on November 20, 1997, for conspicuous posting for 15 consecutive days where employees in the proposed unit are located. WASA confirmed in writing that said Notices had been posted accordingly. The Notice also required that requests to intervene or comments be filed in the Board's office not later than December 19, 1997. Requests to Intervene were received by the American Federation of Government Employees, Locals 872 and 2553 and the American Federation of State, County and Municipal Employees, D.C. Council 20, Local 2091. All three Requests, however, were not accompanied by a showing of interest as required by Board Rule 502.8(a) and were therefore administratively dismissed.

The parties disagreed over whether or not the position of foreman was supervisory, and consequently the appropriateness of the unit as prescribed under the Comprehensive Merit Personnel Act (CMPA) as codified under D.C. Code § 1-618.9(b)(1). Because genuine issues of fact existed with respect to this issue, the Petition was referred to a Hearing Examiner and a hearing was held on April 15, 1998. A Report and Recommendation (R&R) was issued on June 15, 1998, containing the Hearing Examiner's findings, conclusions and recommendations.^{1/}

Based upon the evidence presented, the Hearing Examiner found that the positions of foreman and general foreman are supervisory. Therefore, the Hearing Examiner found the proposed unit of supervisory wage foreman was not appropriate and recommended that the Petition be dismissed. No exceptions were filed by either party to the findings, conclusions and recommendations made by the Hearing Examiner.

Pursuant to D.C. Code § 1-605.2(1) and Board Rule 502.11, the Board has reviewed the findings and conclusions of the Hearing Examiner and find them to be reasonable and supported by the record. Therefore, we adopt the Hearing Examiner's findings, conclusions and recommendations and find the proposed unit of SW foreman is not appropriate pursuant to D.C. Code § 1-618.9(b)(1). The Petition is therefore dismissed.

ORDER

IT IS HEREBY ORDERED THAT:

The Petition is dismissed.

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

November 10, 1998

^{1/} The Hearing Examiner's Report and Recommendation is attached as an appendix to this Opinion.

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 98-RC-01 was sent via facsimile and/or mailed (U.S. Mail) to the following parties on the 10th day of November, 1998.

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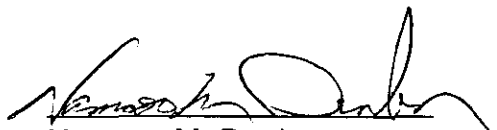
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