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GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of:)	
)	
American Federation of Government)	
Employees, Local 1975, AFL-CIO,)	
)	
Petitioner,)	
)	
and)	PERB Case No. 95-RC-09
)	Opinion No. 427
)	
District of Columbia)	
Taxicab Commission,)	
)	
Agency.)	
)	
)	
)	

DECISION ON UNIT DETERMINATION AND
DIRECTION OF ELECTION

On January 27, 1995, American Federation of Government Employees, Local 1975 (AFGE) filed a Recognition Petition with the Public Employee Relations Board (Board). AFGE seeks to represent, for purposes of collective bargaining, a unit of non-professional employees of the District of Columbia Taxicab Commission. The Petition was accompanied by a showing of interest meeting the requirement of Board Rule 502.2; a Roster of Petitioner's Officers and a copy of Petitioner's Constitution and Bylaws, as required by Rule 501.1(d).

Notices concerning the Petition were issued on February 23, 1995, for conspicuous posting at the D.C. Taxicab Commission for 15 consecutive days. The Notices required that requests to intervene or comments be filed in the Board's office not later than March 30, 1995. The Office of Labor Relations and Collective Bargaining (OLRCB), on behalf of the Taxicab Commission, filed a response to the Petition and confirmed in writing that said Notices had been posted.

The unit sought by AFGE is as follows:

"[A]ll non-professional employees of the D.C. Taxicab Commission including all clerical and Public Vehicle Enforcement Inspectors, excluding all management officials, supervisors, confidential employees engaged in

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personnel work 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.

The proposed unit consists of 14 employees occupying the following employee positions: public vehicle enforcement inspector (8), test examiner (1), legal instrument application examiner (3), clerical assistant (1) and receptionist (1). The Petitioner asserts that they already represent the legal instrument application examiners and clerical assistant pursuant to their certification as the representative of a unit of "[a]ll non-supervisory employees of the Bureau of Traffic and Adjudication and Bureau of Parking and Enforcement", in the Department of Transportation as set forth in American Federation of Government Employees, Local 1975 and D.C. Department of Transportation, PERB Case No. 81-R-07, Certification No. 7 (October 19, 1981). The history of these employees warrants some discussion in determining the appropriateness of the proposed unit.

When the Department of Transportation was dissolved and reorganized under the Department of Public Works, (DPW), AFGE continued to represent the various classifications of employees in the unit set forth in Certification No. 7. This unit was subsequently consolidated with other DPW units represented by various AFGE Locals into one noncompensation collective bargaining unit in D.C. Dep't of Public Works and American Federation of Government Employees, Local 1975, PERB Case No. 84-R-08, Certification No. 24 (September 25, 1984).^{1/}

Shortly after the Taxicab Commission was established in 1986, some of the employees from the original Transportation Department component of the consolidated DPW unit were placed under this new agency. The employees that came from DPW are now classified as legal instrument application examiners and clerical assistants.

The PERB has never certified AFGE as the exclusive representative of any employees of the Taxicab Commission, and no recognition of AFGE by the Taxicab Commission exists in accordance with the CMPA as codified under D.C. Code § 1-618.9, 1-618.10 and

^{1/} That consolidation combined all non-professional employees of DPW "who were previously assigned to bargaining units within DPW which were exclusively represented by AFGE Locals 631, 872, 2553 and 1975 on July 23, 1984" under the joint representation of the aforementioned AFGE Locals.

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1-618.11. While AFGE seems to believe the transferred employees are still covered by the collective bargaining agreement it has with DPW, the Taxicab Commission is not a party to the AFGE\DPW collective bargaining agreement, and therefore the legal instrument application examiners and the clerical assistant have no enforceable rights under it. It follows that the agreement does not preclude these employees from being part of the proposed unit.

The CMPA as codified under D.C. Code Sec. 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 labor relations and efficiency of agency operations. OLRCB indicates that all of the other classifications of employees in the proposed unit interface with each other in support of a common mission within the D.C. Taxicab Commission, and share a common organizational structure within the D.C. Taxicab Commission, as well as common supervision. The former DPW employees that are part of the proposed unit share the same organizational structure and mission as the rest of the nonprofessional employees.

With respect to promoting effective labor relations and efficiency of agency operations, a single unit consisting of an agency's entire workforce of non-professional employees would meet this statutory objective. In view of the above, the Board finds that these employees share a community of interest.

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 Taxicab Commission on compensation and other terms and conditions of employment.

ORDER

IT IS HEREBY ORDERED THAT:

An election shall be held in accordance with the provisions of D.C. Code Sec. 1-618.10 and Sections 510-515 of 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 1975, AFL-CIO (AFGE).

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

May 24, 1995