

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:	)	
	)	
American Federation of State,	)	
County and Municipal Employees,	)	
D.C. Council 20, Local 2091	)	
	)	
Petitioner,	)	
	)	
and	)	
	)	
District of Columbia	)	
Department of Public Works,	)	PERB Case No. 95-UM-02
	)	Opinion No. 426
Agency.	)	
	)	
	)	
	)	

DECISION AND ORDER

On December 29, 1991, the American Federation of State, County and Municipal Employees, D.C. Council 20, Local 2091 (AFSCME), in accordance with Section 504 of the Rules of the Public Employee Relations Board (Board), filed a Petition For Modification of Unit (Petition). The Petition concerns a unit of employees employed by the D.C. Department of Public Works, Water and Sewer Administration, Bureau of Maintenance Services (DPW), previously found appropriate by the Bureau of Labor Relation (BLR) for collective bargaining and for which AFSCME is the certified exclusive representative. <sup>1/</sup>

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<sup>1/</sup> AFSCME was first certified as the exclusive representative for a non-compensation unit of "[a]ll employees of the Bureau of Maintenance Services, Water Resources Management Administration, Department of Environmental Services, excluding employees of the pumping division..." and other statutory exclusions. BLR Case No. 5R004 (1977). The Department of Environmental Services was reorganized into the Department of Public Works. Under DPW, the Water Resources Management Administration, Bureau of Maintenance Services, became the Bureau of Maintenance Services under the Water and Sewer Administration.

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

The Petitioner seeks to modify the existing non-compensation unit by adding "unrepresented employees serving under the title of Production Controller in the Maintenance Management Division, Office of Planning, Estimation and Inspection Branch" under the Bureau of Maintenance Services. (Petition at 1.) The proposed addition of these classification of employees, within this section of DPW, currently affects 11 employees. The existing unit consists of approximately 200-300 employees.

Petitioners state that Production Controllers, like other classifications of employees in the unit, are paid under the District Schedule pay system. The Petitioner asserts that the proposed modification is requested in order to provide representation to employees in this classification that did not exist at the time AFSCME was certified to represent the existing unit. (Petition at 2.) The Office of Labor Relations and Collective Bargaining, on behalf of DPW, does not dispute the representational history of the existing unit with respect to the Production Controllers. The Petitioner has previously filed a showing of interest for these employees meeting the requirements of Board Rule 502.2.<sup>2/</sup>

Board Rule 504.1(b) provides that a unit modification may be sought "to add to an existing unit unrepresented classifications or employee positions created since the recognition or certification of the exclusive representative." In view of the fact that the provisions of Board Rule 504.1(b) are met; the number of employees affected represents a de minimis impact on the existing employees in the unit; the Petition is supported by the affected employees, and no objection has been made by DPW, we find that no question concerning representation exists that would warrant an election among these employees to permit the modification. See, Doctors' Council of the District of Columbia and D.C. Dep't of Public Works et al., 41 DCR 1593, Slip Op. No. 298, PERB Case No.

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<sup>2/</sup> The Petitioner had originally filed a Recognition Petition, PERB Case No. 94-R-08, seeking to represent a separate proposed unit of Production Controllers in DPW's Water and Sewer Utility Administration, Maintenance Management Division, Office of Planning, Estimation and Inspection Branch. On December 29, 1994, the Petitioner withdrew its Petition in lieu of the instant request for unit modification of the existing unit it represents which encompasses the Bureau of Maintenance Services, where these employees are located. The showing of interest referenced in the text accompanied the Petition in PERB Case 94-R-08.

92-R-01 (1992).

We conclude for the foregoing reasons that the requested modification of the existing unit to include Production Controllers in DPW's Water and Sewer Utility Administration, Bureau of Maintenance Services, Maintenance Management Division, Office of Planning, Estimation and Inspection Branch is appropriate. Accordingly, we grant the Petition for modification of the non-compensation unit as described below in the Order.

ORDER

**IT IS HEREBY ORDERED THAT:**

The non-compensation unit for which the American Federation of State, County and Municipal Employees, D.C. Council 20, Local 2091 (AFSCME) is certified as the exclusive representative in BLR Case No. 5R004 is modified as set forth below in the "unit description" to reflect the reorganization of the Department of Environmental Services under the Department of Public Works and to include Production Controllers in the Maintenance Management Division, Office of Planning, Estimation and Inspection Branch under the Department of Public Works' Water and Sewer Utility Administration, Bureau of Maintenance Services. Nothing in this Order is to be construed as altering the scope of the bargaining unit as set forth in BLR Case No. 5R004 except in the manner discussed in this Decision.

Unit Description:

All employees of the Department of Public Work, Water and Sewer Utility Administration, Bureau of Maintenance Services, including production controllers employed in the Maintenance Management Division, Office of Planning, Estimation and Inspection Branch; excluding management officials, supervisors, confidential employees, employees engaged in personnel work in other than purely clerical capacities, and employees engaged in the administration of the provisions of Title XVII of the District of Columbia Merit Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

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

May 19, 1995