

GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of:

The International Brotherhood of
Electrical Workers, Local 26,

Petitioner,

PERB Case No. 85-R-06
Opinion No. 120

and

The Washington Convention Center,

Agency.

DECISION AND ORDER

On March 11, 1985 Local 26 of the International Brotherhood of Electrical Workers (IBEW) filed a Recognition Petition with the District of Columbia Public Employee Relations Board (Board) seeking the right to represent a proposed unit of "all part-time electricians employed in the Operations Department of the Washington Convention Center, excluding all other employees, security guards and supervisors." IBEW was previously certified by the Board as exclusive representative of a unit of full-time electricians, carpenters, engineers, plumbers and painters employed at the Washington Convention Center (WCC) on September 22, 1983.

The IBEW contends that the proposed unit consists of 25 employees. The official list of employees received from WCC consists of 16 names. IBEW submitted evidence that all 16 of these employees have shown interest in being represented by IBEW. All showing-of-interest membership cards were inspected and deemed authentic. The showing-of-interest is 100%.

On May 2, 1985, WCC filed comments with the Board indicating that it opposes any bargaining unit which does not expressly include the term "regular part-time" electricians. WCC takes the position that any electrician who works for it on a sporadic or casual basis should not be included in the proposed unit because their employment relationship with it is not sufficient to create an expectation of future reemployment.

The issue before the Board is whether the relationship between the part-time electricians and the Washington Convention Center is sufficiently permanent to entitle them to collective bargaining representation.

The WCC is an independent agency of the District government whose enabling statute gives it the specific authority to establish personnel policies. However, its personnel rules do not provide distinction between regular part-time and casual employees.

The WOC obtains the services of these part-time electricians through a "hiring hall" arrangement with IBEW. Under this system WOC notifies IBEW of the number of employees and the dates of the upcoming project for which it anticipates added manpower will be needed. WOC does not specify any particular individuals. It merely provides IBEW with a numerical request and leaves it up to the union to refer particular employees. At the completion of the work assignment, the employee is not given any indication regarding future work.

The official list of 16 electricians submitted by WOC includes only those who have worked a minimum of 30 hours during at least 3 separate pay periods since WOC opened for business in 1983. It is noted, however, that at least 5 of these employees have not worked at all during calendar year 1985. While these employees have not been given any assurance of reemployment WOC contends that, because of their job performance, they expect to use their services in the future. It is on the basis of this job performance that WOC urges the Board to consider them as regular part-time employees.

The Board has considered the issue of whether a unit of part-time employees is appropriate for collective bargaining on at least two previous occasions and reached different conclusions. The result of this case-by-case approach to the issue turns on whether the employees have a reasonable expectation of continuous, regular employment with the employer. This reasoning suggests that a unit of casual, sporadic employees is inappropriate for collective bargaining. In Opinion No. 96, also involving WOC, the Board held that a unit of spotlight operators was inappropriate because these employees did not have the expectation of continued employment. On another occasion, in Opinion No. 70, the Board held that a unit of part-time school bus drivers and other motor vehicle operators in the D.C. Public Schools was appropriate where there was a finding that almost 90% of the employees were reemployed each school year and, in some cases, had been reemployed for up to eight consecutive years.

In the present case, it appears that the part-time electricians are casual, sporadic employees, even though WOC is willing to classify the superior performers as permanent part-time. WOC does not give these electricians any indication of future employment when the specific assignment is completed. In addition, the "hiring hall" system substantially limits the degree of control that WOC may exercise in selecting the employee. Under this arrangement, the employees' bond is to the union and not the employer. Accordingly, it appears that the proposed unit is not appropriate for collective bargaining because it consists of casual, sporadic employees with only a limited connection to the employer.

O R D E R

IT IS ORDERED:

The Petition is dismissed.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD
July 22, 1985