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**GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD**

In the Matter of:

American Federation of Government
Employees, Local 631

Petitioner,

and

Department of Public Works, Water
and Sewer Utility Administration,
Office of Administrative Services,
Water Conservation Division

Agency.

PERB Case No. 95-RC-11
Opinion No. 433

**DECISION ON UNIT DETERMINATION
AND DIRECTION OF ELECTION**

On February 3, 1995, American Federation of Government Employees, Local 631 (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 Department of Public Works, Water and Sewer Utility Administration, Office of Administrative Services, Water Conservation Division. 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). The Office of Labor Relations and Collective Bargaining (OLRCB), on behalf of the Department of Public Works, filed a response to the Petition.

Notices concerning the Petition were issued on May 9, 1995, for conspicuous posting for 15 consecutive days where employees in the proposed unit are located. The Notice required that requests to intervene or comments be filed in the Board's office not later than June 7, 1995. OLRCB confirmed in writing that said Notices had been posted accordingly. No requests to intervene were received.

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The unit sought by AFGE is as follows:

"[A]ll non-professional employees of the Department of Public Works, Water and Sewer Utility Administration, Office of Administrative Services, Water Conservation Division; excluding all management officials, supervisors, professionals, confidential employees engaged in personnel work in 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."

D.C. Code § 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.

Our review of the Petition and attached exhibits reveals the following concerning the proposed unit. The unit currently consists of the following employee positions: water conservation program assistant, water conservation program specialist and public affairs specialist.^{1/} They all share a common organizational structure and mission within the Department of Public Works as well as common supervision. No other labor organization represents these employees. There is no collective bargaining agreement in effect covering any of these employees.

In view of the above, sufficient factors exist for the Board to find that these employees share a community of interest. A unit of all non-professional employees in a component of DPW that share a common purpose and mission would, in our view, promote effective labor relations and efficiency of agency operations.

^{1/} Petitioner states that the unit also includes the employee positions of clerical assistant and water conservation program manager. (Pet. at 2.) According to the Petitioner, the clerical assistant position is currently vacant. OLRCB's response to the Petition did not list the employee position of water conservation program manager as an "eligible" position in the proposed unit. Any disagreement prior to the directed election concerning the eligibility of an employee to vote as a member of this unit can be resolved, if necessary, through the Board's Rules concerning challenges. See Board Rules 511.3 - 511.5 and 514.2 - 514.3.

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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 Department of Public Works, Water and Sewer Utility Administration, Office of Administrative Services, Water Conservation Division on compensation and other terms and conditions of employment.

ORDER

IT IS HEREBY ORDERED THAT:

1. The following unit is an appropriate unit for collective bargaining over terms and conditions of employment:

"[A]ll non-professional employees of the Department of Public Works, Water and Sewer Utility Administration, Office of Administrative Services, Water Conservation Division; excluding all management officials, supervisors, professionals, confidential employees engaged in personnel work in 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."

2. Furthermore, 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 (AFGE).

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

June 14, 1995