

GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of:)	
)	
American Federation of Government, Employees, Local 2553, AFL-CIO)	
)	
Petitioner,)	
)	
and)	
)	
District of Columbia)	
Water and Sewer Authority,)	PERB Case No. 97-UM-06
)	Opinion No. 526
Agency.)	
)	
)	FOR PUBLICATION
)	

DECISION AND ORDER

On August 13, 1997, the American Federation of Government Employees, Local 2553 (AFGE), 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. Water and Sewer Authority (WASA), previously found appropriate by the Bureau of Labor Relations (BLR) for collective bargaining and for which AFGE was certified as the exclusive representative. ^{1/}

^{1/} AFGE was first certified as the exclusive representative for a non-compensation unit of "[a]ll employees of the Pumping Station Branch, Sewer Operations Division of the Department of Sanitary Engineering." This unit was later clarified as "[a]ll wage board employees of the Pumping Division, Bureau of Maintenance Services, Water Resources Management Administration, Department of Environmental Services," AFGE, Local 2553, AFL-CIO and D.C. Dept. Of Environmental Services, Water Resources Management Administration, Bureau of Maintenance Services, Pumping Division, BLR Case No. 5R009 (Clarified May 14, 1976). The Department of Sanitary Engineering was realigned under the Department of Environmental Services

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

The Petitioner seeks to modify the existing non-compensation unit by adding all "non-professional District Service (DS) employees" within the same sub-components of WASA described in the current unit description. (Corrected Amended Petition at 2.)^{2/} The proposed addition of nonprofessional employees under the DS compensation system, within this section of WASA, currently affects 3 employees and three job classifications, i.e., clerk, secretary and civil engineer technician. The existing unit consists of approximately 53 employees.

The Petitioner asserts that the proposed modification is requested in order to provide representation to employees in a classification that did not exist within this unit at the time the unit was originally established and AFGE was certified as its representative. (See n. 1.) WASA filed comments wherein it did not object to the proposed unit modification. However, WASA expressed concern that the will of the affected employees, with respect to representation by the Petitioner, be established. In this regard, the Petitioner has filed a showing of interest for these employees meeting the requirements of Board Rule 502.2 and 502.12.^{3/}

^{1/}(...continued)

which in turn was reorganized into the Department of Public Works (DPW). The reorganized sub-component of DPW where this unit was located, i.e., the Water and Sewer Utility Administration, was reorganized into an independent agency, i.e., the D.C. Water and Sewer Authority (WASA), in 1996. Following this most recent reorganization and changes in the compensation pay system nomenclature for these employees, the bargaining unit was modified to its current unit description, i.e., "[a]ll Regular Wage (RW) employees of the District of Columbia Water and Sewer Authority, Bureau of Sewer services, Pumping Division; Bureau of Water Services, Pumping Division; and Bureau of Maintenance Services, Pumping Station employees (excluding the Blue Plains Facility)... ." AFGE, Local 2553, AFL-CIO and D.C. WASA, Slip Op. 499, PERB Case No. 96-UM-04 (Modified November 22, 1996).

^{2/}On September 10, 1997, AFGE amended its Petition from all DS employees to all nonprofessional DS employees.

^{3/} The Petitioner had originally filed a Recognition Petition, PERB Case No. 97-RC-01, seeking to represent a separate
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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) have been 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 other questions concerning representation exists, we find no basis for holding an election among these employees in order 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. 92-R-01 (1992).

We conclude for the foregoing reasons that the requested modification of the existing unit to include all nonprofessional DS employees in WASA's Bureau of Sewer Services, Pumping Division; Bureau of Water Services, Pumping Division; and Bureau of Maintenance Services, Pumping Station (excluding the Blue Plains Facility) 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 Government Employees, Local 2553 (AFGE) is the exclusive representative as clarified in BLR Case No. 5R009 and modified in PERB Case 96-UM-04 is, once again, modified as set forth below in the "unit description" to include District Service (DS) employees in the Bureau of Sewer Services, Pumping Division; Bureau of Water Services, Pumping Division; and Bureau of Maintenance Services, Pumping Station (excluding the Blue Plains Facility) under the D.C. Water and Sewer Authority. Nothing in this Order is to be construed as altering the scope of the bargaining unit as set forth in BLR Case No. 5R009 except in the manner discussed

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proposed unit of all DS employees in these sub-components of WASA. On September 26, 1997, the Petitioner notified the Board of its desire not to pursue the Petition further in lieu of the instant request for unit modification. As a result, PERB Case 97-RC-01 was closed.

in this Decision.

Unit Description:

All Regular Wage (RW) and nonprofessional District Service (DS) employees of the District of Columbia Water and Sewer Authority, Bureau of Sewer Services, Pumping Division; Bureau of Water Services, Pumping Division; and Bureau of Maintenance Services, Pumping Station (excluding the Blue Plains Facility); 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.

November 19, 1997