

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:	)	
	)	
District of Columbia	)	
Water and Sewer Authority,	)	PERB Cases No. 96-UM-07,
	)	97-UM-01, 97-UM-03 and
	)	97-CU-01
Petitioner/Agency,	)	Opinion No. 510
	)	
and	)	
	)	
American Federation of Government	)	
Employees, Local, 872, AFL-CIO and	)	
American Federation of State, County	)	
and Municipal Employees, D.C.	)	
Council 20, Local 2091, AFL-CIO,	)	
	)	
Petitioners/Respondents	)	
	)	
and	)	
	)	
American Federation of Government	)	
Employees, Locals, 631, 1975 and	)	
2553, AFL-CIO and the National	)	
Association of Government Employees,	)	
Service Employees International	)	
Union, AFL-CIO,	)	
	)	
Respondents.	)	
	)	

**DECISION AND ORDER ON UNIT MODIFICATION  
AND COMPENSATION UNIT DETERMINATION**

On September 30 and October 24 and 28, 1996, respectively, the American Federation of Government Employees, Local 872, AFL-CIO (AFGE); the American Federation of State, County and Municipal Employees, D.C. Council 20, Local 2091, AFL-CIO (AFSCME); and the D.C. Water and Sewer Authority (WASA), pursuant to Sections 503 and 504 of the Rules of the Public Employee Relations Board (Board), filed separate Petitions to modify bargaining units (Petitions). The Petitions concern units of employees employed by WASA that existed previously under the D.C. Department of Public Works, Water and Sewer Utility

**Decision and Order on Unit Modification  
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Administration (WASUA).<sup>1/</sup> WASA, formerly WASUA, was established under D.C. Act 11-111, "Water and Sewer Authority Establishment Act and Department of Public Works Reorganization Act of 1996" (Act). The WASUA bargaining units continue to exist under WASA. This reorganization precipitated the instant Petitions.

In PERB Cases No. 96-UM-07 and 97-UM-01, respectively, AFGE, Local 872 and AFSCME each seek to consolidate their respective bargaining units at WASA. They also seek to reflect the change in the identity of the employing agency from DPW to WASA. In PERB Case No. 97-UM-03, WASA seeks to: (1) modify all noncompensation collective bargaining units at WASA, currently represented by AFGE, AFSCME and the National Association of Government Employees, Local R3-06 (NAGE), by consolidating them into one noncompensation collective bargaining unit; and (2) modify Compensation Units 1 and 2 by removing former DPW, WASUA bargaining unit employees who are now employed by WASA. Finally, in PERB Case No. 97-CU-01, WASA seeks to establish a separate compensation unit limited to bargaining unit employees employed

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<sup>1/</sup> The current unit descriptions of the collective bargaining units affected by these Petitions are set forth in the following cases: AFGE, Local 2553, AFL-CIO and D.C. Water and Sewer Authority, PERB Case No. 96-UM-03, Certification No. 92 (1996); AFGE, Local 631, AFL-CIO and D.C. Water and Sewer Authority, PERB Case No. 96-UM-04 (1996); AFGE, Local 872, AFL-CIO and D.C. Dept. of Environmental Services, BLR Cases No. 4R009 and 5R005 (1974); Dept of Public Works and AFGE, Locals 631, 872, 2553 and 1975, PERB Case No. 84-R-08, Certification No. 24 (1984); AFGE, Local 872 and D.C. Dept of Public Works, PERB Case No. 86-R-01, Certification No. 40 (1987); AFSCME, D.C. Council 20, Local 2091, AFL-CIO and D.C. Dept. of Public Works, BLR Case No. 4R005, and PERB Cases No. 92-R-07, Certification No. 69 (1992) and 95-UM-02 (1995); and National Association of Government Employees, SEIU, AFL-CIO, PERB Case No. 94-R-02, Certification No. 76 (1994) and PERB Case No. 95-RC-05, Certification No. 81 (1995).

The collective bargaining units represented by AFGE, Local 1975, were consolidated with units represented by AFGE, Locals 631, 872 and 2553 in Dept of Public Works and AFGE, Locals 631, 872, 2553 and 1975, PERB Case No. 84-R-08, Certification No. 24 (1984). Consequently, AFGE, Local 1975 is named as a Respondent because WASA seeks to form a single consolidated unit limited to WASA which would effectively sever employees from the existing consolidated unit represented by AFGE, Local 1975 that are located at DPW. (See n. 2.)

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by WASA.<sup>2/</sup> In view of the related issues presented by these four cases, we have joined them for our consideration and disposition.

In accordance with Board Rules 503.4 and 504.3, Notices concerning the Petitions were posted. WASA, AFGE, AFSCME and NAGE each filed comments to the respective Petitions. No objections, requests to intervene or other comments to the Petitions were received by the Board during the posting period.

On February 7, 1997, a Stipulation and Joint Request for Approval of Compensation Unit was filed followed by a supporting Memorandum of Points and Authorities on February 18, 1997. In the Stipulation all parties joined in AFGE's and AFSCME's respective noncompensation unit modification requests and WASA's request for a separate compensation unit for WASA employees. Furthermore, WASA withdrew its request for a single noncompensation unit at WASA that would have comprised all bargaining units employees currently represented by AFGE, AFSCME and NAGE.

We find the respective consolidations of AFGE's and AFSCME's noncompensation units meet the criteria under D.C. Code § 1-618.9(c) of being appropriate larger units as defined under D.C. Code § 1-618.9(a). Furthermore, the consolidation meets the objectives of Board Rule 504.1(a) and (d), and presents no question concerning representation. Therefore, we grant the stipulated modification of Petitioners AFGE's and AFSCME's noncompensation units, as requested.<sup>3/</sup>

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<sup>2/</sup> A pending Petition filed by the Office of Labor Relations and Collective Bargaining on behalf of the District of Columbia Government, i.e., PERB Case No. 97-UM-02, seeks, among other things, to remove WASA from its existing placement in Compensation Units 1 and 2. In view of our disposition of that issue in the context of PERB Case No. 97-CU-01, that aspect of the Petition in PERB Case No. 97-UM-02 is rendered moot.

<sup>3/</sup> D.C. Code § 1-618.9(c) provides:

Two or more units for which the labor organization holds exclusive recognition within an agency may be consolidated into a single larger unit if the Board determines the larger unit to be appropriate. The Board shall certify the labor organization as the

(continued...)

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The statutory criteria for determining appropriate compensation units is set forth under the Comprehensive Merit Personnel Act (CMPA), as codified under D.C. Code § 1-618.16(b). In pertinent part, it provides that "the Board shall authorize broad units of occupational groups so as to minimize the number of different pay systems or schemes." Under this criteria, the Board has held that a compensation unit limited to a single agency does not meet the mandate that compensation units be based on "broad occupational groups." See, International Brotherhood of Teamsters, Local 246 and D.C. Department of Corrections, 34 DCR 3495, Slip Op. 152, PERB Case No. 85-R-07 (1987). In that case the Board observed that although working conditions for employees of that agency differed from other agency employees in their existing compensation units, those issues could best be addressed in noncompensation negotiations. However, where an agency has independent personnel and compensation bargaining authority, the

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<sup>3</sup>(...continued)

exclusive representative in the new unit when the unit is found appropriate.

Board Rule 504.1(a) and (d) provides for the modification of existing bargaining units under the following conditions:

(a) To reflect a change in the identity or statutory authority of the employing agency;

(d) To consolidate two (2) or more bargaining units within an agency that are represented by the same labor organization.

We note that AFGE, Local 872, jointly with AFGE Locals 631, 2553 and 1975, was certified as the representative of a consolidated unit of all DPW employees they represented in 1984, i.e., prior to the reorganization of DPW and the formation of WASA. See, Dept of Public Works and AFGE, Locals 631, 872, 2553 and 1975, PERB Case No. 84-R-08, Certification No. 24 (1984). In granting AFGE, Local 872's modification request, we also sever AFGE, Local 872's WASA unit, from its preexisting consolidated DPW unit. The creation of WASA renders inappropriately a consolidated noncompensation unit consisting of WASA and DPW units. Although NAGE did not formerly petition to change the identity and statutory authority of the employing agency of its bargaining units, we, sua sponte, make this modification to its former DPW units that now exist under WASA.

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Board has held that a separate compensation unit for that agency is appropriate, notwithstanding the existence of occupational groups that the agency may have in common with agencies under an existing larger personnel authority. See, Government of the District of Columbia and D.C. General Hospital and Unions Representing Employees in Compensation Units 1, 2, 13, 14 and 19 who are employed by D.C. General Hospital, 37 DCR 5648, Slip Op. No. 241, PERB Case No. 90-R-03 and 90-R-07 (1990). The distinction turns on the purpose of the criteria for determining compensation units, i.e., "to minimize the number of different pay systems or schemes." An agency is accorded independent compensation bargaining authority to enable it to negotiate pay that may differ from existing pay systems.

Speaking on behalf of all parties, WASA states in support of the establishment of a separate compensation unit that the reorganization of DPW resulted in the creation of WASA as a separate entity distinct from DPW. We have reviewed the authority accorded WASA under the Act and concluded that the Act has indeed vested WASA with the authority to independently establish a personnel system and fix compensation.<sup>4/</sup> We

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<sup>4/</sup> In relevant part, the Act provides:

Sec. 202. Establishment of the District of Columbia Water and Sewer Authority; general purpose of the Authority.

(a) There is established, an independent authority of the District government, the District of Columbia Water and Sewer Authority ("Authority"). The Authority shall be a corporate body, created to effectuate certain public purposes, that has a separate legal existence within the District government;

Sec. 203. General powers of Authority

(4) To elect, appoint, or hire officers, employees, or other agents of the Authority, except Board members, including experts and fiscal agents, define their duties, and fix their compensation;

Sec. 205. Duties of the Board.

(continued...)

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97-UM-01 and 97-CU-01  
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therefore grant the parties' joint request for a separate compensation unit consisting of bargaining unit employees employed by WASA.

We conclude for the foregoing reasons that the compensation and noncompensation unit modifications and compensation unit determination are appropriate. Accordingly, we grant the Petitions for: (1) the removal of WASA bargaining unit employees from Compensation Units 1 and 2; (2) a separate compensation unit consisting of WASA employees; and (3) the consolidations of noncompensation units as described in the Order and Certifications below.

**ORDER**

**IT IS HEREBY ORDERED THAT:**

1. The non-compensation unit for which the American Federation of Government Employees, Local 872, AFL-CIO (AFGE) was certified as the exclusive or joint representative in: AFGE, Local 872, AFL-CIO and D.C. Dept. of Environmental Services, BLR Cases No. 4R009 and 5R005 (1974); Dept of Public Works and AFGE, Locals 631, 872, 2553 and 1975, PERB Case No. 84-R-08, Certification No. 24 (1984); AFGE, Local 872 and D.C. Dept of Public Works, PERB Case No. 86-R-01, Certification No. 40 (1987), are modified, with respect to those bargaining units employed by the Water and Sewer Authority (WASA), to (1) establish one consolidated noncompensation collective bargaining unit and (2) reflect a change in the identity and statutory authority of the employing agency from the Department of Public Works (DPW) (formerly the Department of Environmental Services) to WASA.

**Unit Description:**

**All non-professional employees of the District of Columbia Water and Sewer Authority, Bureau of Water Measurement and Billing, Meter Measurement and Credit**

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<sup>4</sup>(...continued)

(4) Develop and establish a personnel system and publish rules and regulations setting forth minimum standards for all employees, including pay, contract terms, leave, retirement, health and life insurance, and employee disability and death benefits;

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PERB Case Nos. 96-UM-07, 97-UM-03,  
97-UM-01 and 97-CU-01  
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and Collection Divisions; and **all employees of the Bureau of Water Services**, Distribution Division; but excluding all management officials, confidential employees, supervisors, 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. The non-compensation unit for which the American Federation of State, County and Municipal Employees, D.C. Council 20, Local 2091, AFL-CIO (AFSCME) was certified as the exclusive representative in AFSCME, D.C. Council 20, Local 2091, AFL-CIO and D.C. Dept. of Public Works, BLR Case No. 4R005, and PERB Cases No. 92-R-07, Certification No. 69 (1992) and 95-UM-02 (1995), are modified, with respect to those bargaining units employed by WASA, to (1) establish one consolidated noncompensation collective bargaining unit and (2) reflect a change in the identity and statutory authority of the employing agency from the DPW to WASA.

Unit Description:

**All non-professional Wage Rate (RW) and District Service (DS) employees employed by the District of Columbia Water and Sewer Authority under the Office of Administrative Services, Procurement and Facilities Division, Utility Services Branch ("Buildings and Grounds") and Office of Material Management ("Warehouse Employees"); Bureau of Maintenance Services, Electrical Maintenance Division, Mechanical Maintenance Division, Instrumentation and Telemetering Branch, Facilities Maintenance Division, and Maintenance Management Division (including production controllers); Bureau of Sewer Services, Potomac Interceptor Division, Inspection and Maintenance Division, and Repair Division; and Bureau of Water Services, Construction Division, Installation Branch and Connection Branch; but excluding** all management officials, confidential employees, supervisors, 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.

3. The non-compensation unit for which the National Association of Government Employees, was certified as the exclusive representative in National Association of Government Employees,

**Decision and Order on Unit Modification  
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97-UM-01 and 97-CU-01  
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SEIU, AFL-CIO, PERB Case No. 94-R-02, Certification No. 76 (1994) and PERB Case No. 95-RC-05, Certification No. 81 (1995), are modified, with respect to those bargaining units employed by WASA, to reflect a change in the identity and statutory authority of the employing agency from the DPW to WASA.

4. Compensation Units Nos. 1 and 2 are modified by removing those bargaining unit employees employed by WASA.

5. Nothing in this Order is to be construed as altering the scope of the affected compensation and noncompensation bargaining unit except in the manner discussed in this Decision and Order.

6. A unit of all employees of WASA is authorized as a separate unit for the purpose of negotiations concerning compensation as follows:

Compensation Unit 31

All full-time and regular part-time employees employed by the District of Columbia Water and Sewer Authority; but excluding all management officials, confidential employees, supervisors, 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.

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

March 14, 1997



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of: )

District of Columbia )  
Water and Sewer Authority, )

Petitioner/Agency, )

and )

American Federation of Government )  
Employees, Locals, 631, 872, 2553 )  
and 1975, AFL-CIO; American )  
Federation of State, County and )  
Municipal Employees, D.C. Council 20, )  
Local 2091, AFL-CIO; and the )  
National Association of Government )  
Employees, Service Employees )  
International Union, AFL-CIO, )

Respondents. )

PERB Case No. 97-CU-01  
and 97-UM-03

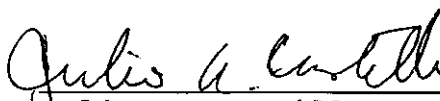
AUTHORIZATION

Pursuant to the District of the Columbia Merit Personnel Act of 1978, as codified (D.C. Code §§ 1-605.2 and 1-618.16(b)), the Public Employee Relations Board (Board) has determined that the unit described below which the Board has determined appropriate in Opinion No. 510 on March 14, 1997, shall constitute a unit for the purposes of compensation bargaining:

Compensation Unit No. 31

All full-time and regular part-time employees employed by the District of Columbia Water and Sewer Authority; but excluding all management officials, confidential employees, supervisors, 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.

BY AUTHORITY OF THE PUBLIC EMPLOYEE RELATIONS BOARD  
Washington, D.C.  
March 14, 1997



Julio A. Castillo  
Executive Director

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

In the Matter of:	)	
	)	
American Federation of Government Employees, Local 872, AFL-CIO,	)	PERB Cases No. 96-UM-07,
Petitioner,	)	Certification No. 95
and	)	
	)	
District of Columbia Water and Sewer Authority,	)	
Agency/Respondent,	)	
	)	
	)	
	)	

**CONSOLIDATED CERTIFICATION OF REPRESENTATIVE** <sup>1/</sup>

A representation proceeding having been conducted in the above-captioned matter by the Public Employee Relations Board (Board) in accordance with the District of Columbia Merit Personnel Act of 1978 and the Rules of the Board and it appearing that an exclusive representative has been designated;

Pursuant to the authority vested in the Board by D.C. Code §§ 1-605.2(1) and (2) and 1-618.9(c) and Board Rule 504.1(d) and 504.5(e);

**IT IS HEREBY CERTIFIED THAT:**

The American Federation of Government Employees, Local 872, AFL-CIO (AFGE) have been designated by a majority of the employees of the above-named public employer in the consolidated unit described below, as their preference for its exclusive representative for the purpose of collective bargaining

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<sup>1/</sup> By virtue of the Boards consolidation of units in a Decision and Order issued simultaneously herewith (Slip Op. No. 510), this Certification supersedes the Certifications of AFGE, Local 872 as the exclusive representative of units set forth in the following cases: AFGE, Local 872, AFL-CIO and D.C. Dept. of Environmental Services, BLR Cases No. 4R009 and 5R005 (1974); Dept of Public Works and AFGE, Locals 631, 872, 2553 and 1975, PERB Case No. 84-R-08, Certification No. 24 (1984); AFGE, Local 872 and D.C. Dept of Public Works, PERB Case No. 86-R-01, Certification No. 40 (1987).

**Certification of Representative**  
**PERB Case No. 96-UM-07**  
**Page 2**

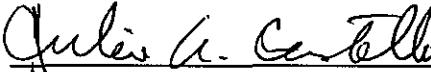
concerning both compensation and terms-and-conditions matters with the employer.

Unit Description:

All non-professional employees employed by the District of Columbia Water and Sewer Authority, Bureau of Water Measurement and Billing, Meter Measurement and Credit and Collection Divisions; and all employees of the Bureau of Water Services, Distribution Division; but excluding all management officials, confidential employees, supervisors, 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.

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

March 14, 1997

  
\_\_\_\_\_  
Julio A. Castillo  
Executive Director

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**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, AFL-CIO,	)	PERB Cases No. 97-UM-01
	)	
Petitioner,	)	Certification No. 96
	)	
and	)	
	)	
District of Columbia Water and Sewer Authority,	)	
	)	
Agency/Respondent,	)	
	)	
	)	
	)	

**CONSOLIDATED CERTIFICATION OF REPRESENTATIVE <sup>1/</sup>**

A representation proceeding having been conducted in the above-captioned matter by the Public Employee Relations Board (Board) in accordance with the District of Columbia Merit Personnel Act of 1978 and the Rules of the Board and it appearing that an exclusive representative has been designated;

Pursuant to the authority vested in the Board by D.C. Code §§ 1-605.2(1) and (2) and 1-618.9(c) and Board Rule 504.1(d) and 504.5(e);

**IT IS HEREBY CERTIFIED THAT:**

The American Federation of State, County and Municipal Employees, D.C. Council 20, Local 2091, AFL-CIO (AFSCME) have been designated by a majority of the employees of the above-named public employer in the consolidated unit described below, as their preference for its exclusive representative for the purpose of collective bargaining concerning both compensation and terms-and-conditions matters with the employer.

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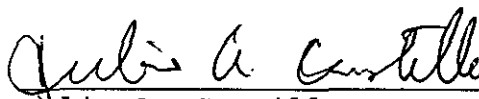
<sup>1/</sup> By virtue of the Boards consolidation of units in a Decision and Order issued simultaneously herewith (Slip Op. No. 510), this Certification supersedes the Certifications of AFSCME, D.C. Council 20, Local 2091, as the exclusive representative of units set forth in the following cases: AFSCME, D.C. Council 20, Local 2091, AFL-CIO and D.C. Dept. of Public Works, BLR Case No. 4R005, and PERB Cases No. 92-R-07, Certification No. 69 (1992) and 95-UM-02 (1995).

Unit Description:

All non-professional Wage Rate (RW) and District Service (DS) employees employed by the District of Columbia Water and Sewer Authority under the Office of Administrative Services, Procurement and Facilities Division, Utility Services Branch ("Buildings and Grounds") and Office of Material Management ("Warehouse Employees"); Bureau of Maintenance Services, Electrical Maintenance Division, Mechanical Maintenance Division, Instrumentation and Telemetry Branch, Facilities Maintenance Division, and Maintenance Management Division (including production controllers); Bureau of Sewer Services, Potomac Interceptor Division, Inspection and Maintenance Division, and Repair Division; and Bureau of Water Services, Construction Division, Installation Branch and Connection Branch; but excluding all management officials, confidential employees, supervisors, 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.

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

March 14, 1997

  
\_\_\_\_\_  
Julio A. Castillo  
Executive Director

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Cases No. 96-UM-07, 97-UM-01, 97-UM-03 and 97-CU-01 was sent via mailed (U.S. Mail) to the following parties on the 14th day of March, 1997.

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Certificate of Service  
PERB Cases Nos. 96-UM-07,  
97-UM-01, 97-UM-03 and 97-CU-01  
Page 2

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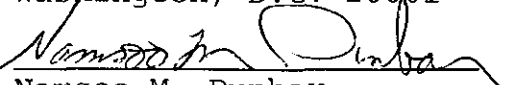
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