

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
PUBLIC EMPLOYEE RELATIONS BOARD

In The Matter Of:	)	
	)	
American Federation of State	)	
County and Municipal Employees,	)	
District Council 20, AFL-CIO	)	
	)	
Petitioner,	)	
	)	
and	)	PERB Case No. 92-R-07
	)	Opinion No. 334
Department of Public Works,	)	
	)	
Agency,	)	
	)	
	)	

DECISION ON UNIT DETERMINATION  
AND DIRECTION OF ELECTION

On May 22, 1992, American Federation of State, County and Municipal Employees, District Council 20, AFL-CIO (AFSCME) filed a Representation Petition with the Public Employee Relations Board (Board) seeking to represent exclusively a proposed unit of employees at the Department of Public Works (DPW).<sup>1/</sup> The Petition was properly accompanied by a showing of interest meeting the requirements of Board Rule 502.2.

Notices concerning the Petition were posted on July 29, 1992. There were no requests to intervene or objections filed in response to the Petition. In its comments responding to the Petition, the Office of Labor Relations and Collective Bargaining (OLRCB), on behalf of DPW, agreed that the unit as proposed is appropriate. OLRCB also recommended by letter filed October 14, 1992, that should the Board find the proposed unit to be appropriate, an election should be scheduled pursuant to D.C. Code Sec. 1-618.10(a) of the Comprehensive Merit Personnel Act (CMPA) to determine the desire of employees in the proposed unit regarding representation.

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<sup>1/</sup> In its Petition, AFSCME indicated that there exists a contract covering employees in the proposed unit which has a stated expiration date of September 30, 1990. On October 20, 1992 AFSCME filed an Amended Petition advising the Board that this statement was a "technical error" which "has been corrected". AFSCME now states that the employees in the proposed unit are "not covered by a collective bargaining agreement." (Amend. Pet.)

The Board has concluded its investigation and review of the record in this matter and finds that the proposed unit set forth below meets the requirements for an appropriate unit for collective bargaining over the terms and conditions of employment:

"All unrepresented Regular Wage Service (RW) employees of the Water and Sewer Utility Administration (WASUA), Office of Administration Services (OAS), Buildings and Grounds Division, Department of Public Works, excluding management officials, supervisors, confidential employees, employees engaged in personnel work in other than purely clerical capacities 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." <sup>2/</sup>

D.C. Code Section 1-618.9(a) requires that a community of interest exist for a unit to be found appropriate by the Board for collective bargaining over terms and conditions of employment. Under this provision, the Board determines on a case-by-case basis whether the employees in the proposed unit share certain interests, including skills, common supervision, physical location, organization structure, distinctiveness of functions performed, and the existence of integrated work processes. The Board, having considered these factors in its investigation, finds that employees in this proposed unit meet the criteria set forth above, share a community of interest and the unit is one that will promote effective labor relations and efficiency of agency operations.

We conclude, therefore, that the unit is appropriate for collective bargaining for terms and conditions of employment under D.C. Code Section 1-618.9(a).

Having found that the above-described unit is an appropriate unit for collective bargaining over terms and conditions of employment, the Board directs that an election be held to determine the will of the eligible employees concerning representation in collective bargaining with DPW.

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<sup>2/</sup> According to OLRCB in its October 14, 1992 letter, the proposed unit consists of nonprofessional employees who engage in such service and maintenance duties as grounds keeping, including grass cutting, trash pulling and general maintenance of the facilities and worksites. The employees report to the same supervisory team and are in the same organization structure.

ORDER

**IT IS HEREBY ORDERED THAT:**

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

"All unrepresented Regular Wage Service (RW) employees of the Water and Sewer Utility Administration (WASUA), Office of Administration Services (OAS, Buildings and Grounds Division, Department of Public Works, excluding management officials, supervisors, confidential employees, employees engaged in personnel work in other than purely clerical capacities 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."

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 the unit employees wish to be represented by the American Federation of State County and Municipal Employees, District Council 20, AFL-CIO, or not, for purposes of collective bargaining over terms and conditions of employment.

**BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD**

Washington, D.C.

October 26, 1992