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

In the Matter of:)
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)
)
American Federation of Government)
Employees, Local 2553, AFL-CIO,)
)
) Petitioner,)
)
) and) PERB Cases No. 98-RC-04
)
)
) Opinion No. 578
D.C. Water and Sewer Authority,)
)
)
) Agency.)
)
)

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

On July 2, 1998, American Federation of Government Employees, Local 2553, AFL-CIO (AFGE or Petitioner) filed a Recognition Petition, seeking to represent, for purposes of collective bargaining, a unit of professional employees of the District of Columbia Water and Sewer Authority (WASA), Department of Sewer Services, Sewer Pumping 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). WASA filed a Response, stating it had no objections to the Petition.

The unit sought by AFGE is as follows:

All professional employees employed by the D.C. Water and Sewer Authority, Department of Sewer Services, Sewer Pumping Division; excluding all other employees, management officials, supervisors, confidential employees, employees engaged in personnel work in other than a purely clerical capacity

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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.

Notices concerning the Petition were issued on July 27, 1998, 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 August 28, 1998. WASA confirmed in writing that said Notices had been posted. No requests to intervene or comments were received.

Although WASA states that some of the employees in the proposed unit are members of other unions, our records reflect that no other labor organization has been certified to represent the professional employees in the Department of Sewer Services, Sewer Pumping Division as it exists under WASA or previously existed under the Department of Public Works, Water and Sewer Utility Administration or Department of Environmental Services. In view of the above, there is no basis for foreclosing a determination of: (1) the appropriateness of the unit or (2) the will of the employees in that unit to be represented. See, Charlene Haynesworth, et al. v. AFGE, Local 631, 45 DCR 1479, Slip Op. No. 528, PERB Case No. 97-S-02 and 03 (1998).

Turning to the Petition, 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, attached exhibits and other submissions of the parties reveals the following concerning the proposed unit. The unit currently consists of the following employee positions: mechanical engineer and civil engineer. They all share a common organizational structure and mission within the Department of Sewer Services as well as common supervision. As we previously stated, no other labor organization represents these employees. There is no collective bargaining agreement in effect that extends to professional employees in this sub-component of WASA. In view of the above, sufficient factors exist for the Board to find that these employees share a community of interest.

To resolve the question of representation, the Board orders that an election be held to determine the will of the

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eligible employees in the unit described above regarding their desire to be represented by AFGE for purposes of collective bargaining with WASA on compensation and other terms and conditions of employment. Eligible employees shall indicate their choice as to whether they desire to be represented or not for bargaining on terms and conditions of employment by AFGE.

ORDER

IT IS HEREBY ORDERED THAT:

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

Unit of Employees Sought

All professional employees employed by the D.C. Water and Sewer Authority, Department of Sewer Services, Sewer Pumping Division; excluding all other employees, management officials, supervisors, confidential employees, 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 2553, AFL-CIO.

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

December 18, 1998