

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of: )

District of Columbia )  
Public Schools, )

and )

Drivers, Chauffeurs, and Helpers )  
Washington, D.C. and Metropolitan )  
Area, Teamsters Local Unions )  
No. 639 and 730, affiliated with )  
the International Brotherhood of )  
Teamsters, Chauffeurs, )  
Warehousemen and Helpers of )  
America, AFL-CIO, )

Joint Petitioners. )

PERB Case No. 90-R-08  
Opinion No. 252  
(as amended 5/30/91)

AMENDED DECISION AND ORDER <sup>1/</sup>

On May 16, 1990 the Joint Petitioners, District of Columbia Public Schools (DCPS) and Teamsters Local Union No. 639 filed a "Joint Petition to Consolidate Bargaining Units." The Petitioners seek to consolidate a unit of equipment maintenance employees with a larger unit of custodian employees. Both units consist of employees of DCPS. Teamsters Local Union No. 639 has been previously and separately certified as the exclusive bargaining agent for the equipment maintenance unit (See PERB Case No. 89-R-05, Slip Op. No. 234, Certification No. 60) and, jointly with Teamsters Local Union No. 730, as the bargaining agent for the custodian unit. (See PERB Case No. 85-R-09, Certification No. 36). <sup>2/</sup>

<sup>1/</sup> This Order amends our previous Order in this proceeding dated May 23, 1991, in which we inadvertently excluded certain classifications of employees in the unit description. The Certification of Representative in this proceeding has also been amended accordingly and an Authorization Order, designating the compensation unit placement of these employees, has been appended to the Certification.

<sup>2/</sup> On August 2, 1990, Teamsters Local Unions No. 639 and 730 responded to the Executive Director's letter of inquiry requesting, among other information, the status of Local 730 in this proceeding. In their response, the two locals indicated that

According to the Petition, the proposed consolidated unit would consist of approximately 1,000 employees from the custodian unit and approximately 19 from the equipment maintenance unit.

Notices concerning the Petition were posted for the prescribed period on May 28, 1990. There has been no opposition or request to intervene in response to the Notice. A review of both certifications and the parties' responses to the Board's investigation of this matter reveals that both bargaining unit descriptions contain a significant number of maintenance job classifications. Furthermore, employees in the two units share common supervision. <sup>3/</sup> Although employees in the custodian unit have a long history of collective bargaining with DCPS, there is no history of collective bargaining between DCPS and employees in the equipment maintenance unit, a unit recently designated by the Board as appropriate for collective bargaining and for which Teamsters Local 639 has been certified as the exclusive bargaining agent.

The Board is authorized by D.C. Code Section 1-605.2(1) of the Comprehensive Merit Personnel Act (CMPA) to resolve unit determination questions, and in accordance with D.C. Code Section 1-618.9(a) to establish bargaining units that include "individuals who share certain interests such as skills, working conditions, common supervision, physical location, organization structure, distinctiveness of functions performed and the existence of integrated work processes." The CMPA also provides that "membership in a labor organization or the extent to which employees in a proposed unit have organized [may be] considered as [a] factor in evaluating the community of interest [among] employees in a proposed unit." (D.C. Code Sec. 1-618.9(a)). The Board, having investigated and considered these factors, finds that the employees in these units meet the criteria set forth

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(footnote 2 Cont'd)

they "would continue as the representatives of the Custodian Union after the inclusion of the Equipment Maintenance Unit." We have treated this response as an amendment to the Joint Petition to Consolidate Bargaining Units to include also Local 730 as a party to this Petition.

<sup>3/</sup> A consolidated unit consisting of this Custodian Unit and a unit of craft employees was found appropriate in District of Columbia Board of Education and Teamsters Local Unions No. 639 and 730, 35 DCR 5173, Slip Op. No. 184, PERB Case No. 88-R-07 (1988). There we found, inter alia, that the two units had in common among the job classifications included, craft and maintenance employees.

above and share a community of interest. Although D.C. Code Section 1-618.9(c) provides that "[t]wo 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...", this criterion is only partially met with respect to these two units. Currently the two units have representation by Teamsters Local Union No. 639 in common; however, the equipment maintenance unit, unlike the custodian unit, is not jointly represented by Teamsters Local Union No. 730. Therefore, a question concerning representation exists with respect to whether the equipment maintenance employees desire to be represented as members of the proposed consolidated unit by Teamsters Local Unions No. 639 and 730.

Evidence of majority status required under Board Rule 502.12 for recognition of a labor organization without an election was submitted to the Board by Teamsters Local Unions No. 639 and 730 on April 10, 1991. The evidence consisted of documented proof, i.e., signed authorization cards, not more than 1 year old, from employees in the equipment maintenance unit that more than fifty (50) percent of the employees in the equipment maintenance unit desire representation jointly by Teamsters Local Unions No. 639 and 730.

The Board, having investigated and considered this matter, concludes that the requirements of D.C. Code Sec. 1-618.10(a) and (b)(1) and Board Rule 502.12 have been met by this submission of proof. We further conclude that the consolidation of the custodian and equipment maintenance units is consistent with the statutory intent to promote effective labor relations and the efficiency of agency operations.

Accordingly, the Board finds the following unit appropriate for collective bargaining over compensation and other terms and conditions of employment:

**UNIT:**

All employees in the Custodian Unit in the D.C. Public School System in the following job classifications: custodian foreman, custodian, assistant custodian, carpenter, carpenter helper, carpenter worker, plumber, plumber helper, plumber worker, locksmith, night custodian, gardener, gardener worker, school maintenance worker, janitor; and including:

All general maintenance repair workers, general maintenance repair leaders, roofers/sheet metal mechanics, carpenter

leaders, cement finishers, maintenance worker helpers, masons, painters, painter helpers and leaders, plasterer leaders and plasterers, plumber leaders, pipefitters, sheet metal mechanics, welders, welder workers and leaders, electronic workers and leaders, locksmith leaders, window shade mechanics, pest controllers and leaders, gardener leaders, general equipment repair workers; and including,

All RW classification employees in the Supply Management Branch, Equipment Maintenance Unit of the District of Columbia Board of Education including typewriter repairer, general equipment repairer, radio and television repairer, digital computer and television repairer, digital computer mechanic, warehouse window shade helper, general appliance repairer, general equipment foreman, general woodwork repairer, digital computer foreman, locksmith, piano tuner repairer, general mechanic shop foreman, general woodwork helper and window shade mechanic; excluding from all of the above classifications the following: 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.

ORDER

IT IS HEREBY ORDERED THAT:

The above-described unit is appropriate for collective bargaining over compensation and other terms and conditions of employment;

The Joint Petition to Consolidate Bargaining Units is granted; and,

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A Certification of Representative designating Teamsters Local Unions Nos. 639 and 730 as the joint exclusive bargaining agents, for the unit set out in this Opinion at pp. 3 - 4 will issue simultaneously with this Opinion.

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

May 30, 1991