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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)	
)	
Petitioner,)	
)	
and)	
)	
District of Columbia)	
Department of Public Works,)	PERB Case No. 96-UM-02
)	Opinion No. 489
)	
Agency.)	
)	
)	
)	

DECISION AND ORDER

On July 18, 1996, the American Federation of State, County and Municipal Employees, D.C. Council 20, Local 2091 (AFSCME), 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. Department of Public Works, Public Space Maintenance Administration, Office of Education and Outreach, Vector Control Branch (DPW), previously found appropriate by the Board for collective bargaining and for which AFSCME is the certified exclusive representative. American Federation of State, County and Municipal Employees, D.C. Council 20, Local 2091 and D.C. Department of Public Works, Certification No. 53, PERB Case No. 88-R-08 (1989).

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

The Petitioner seeks to modify the existing non-compensation unit by adding employees with the position title, "Litter Control Inspector", who work for DPW in the Solid Waste Management Administration, Office of Education and Outreach. (Petition at 1.) The proposed addition of this classification of employees, within this section of DPW, currently affects 9 employees. The existing unit consists of approximately 869 employees.

Petitioners state that Litter Control Inspectors, like other

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classifications of employees in the unit, are paid under the District Schedule pay system. This classification did not exist at the time AFSCME was certified to represent the existing unit. (Agency Resp. at 2.) The Petitioner has filed a showing of interest for these employees meeting the requirements of Board Rule 502.2.

The Office of Labor Relations and Collective Bargaining, on behalf of DPW, does not dispute the representational history of the Litter Control Inspectors and note that they share a community of interest with current members of the bargaining unit. However, OLRCB states that Litter Control Inspectors are not located in the Office of Education and Outreach but rather in the Office of Solid Waste Control. OLRCB further states that as a result of a reorganization in the early 1990's, the Public Space Maintenance Administration was changed to the Solid Waste Management Administration. OLRCB requests that the existing unit description be amended to reflect this change. Finally, OLRCB states that the position title, "Sanitarian" performs the same duties and work in the same location as Litter Control Inspectors and therefore should be included in this modification. The Petitioner has expressed no objection to this clarification to its Petition and amendment to the unit description.

Board Rule 504.1(b) provides that a unit modification may be sought "[t]o add to an existing unit unrepresented classifications or employee positions created since the recognition or certification of the exclusive representative" and "[t]o reflect a change in the identity or statutory authority of the employing agency." In view of the fact that the provisions of Board Rule 504.1(a) and (b) are met; the number of employees affected represents a de minimis impact on the existing employees in the unit; the Petition is supported by a majority of the affected employees, and no objection has been made by DPW, we find that no question concerning representation exists that would preclude granting the proposed 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 modifications to the existing unit to include Litter Control Inspectors and Sanitarians in DPW's Solid Waste Management Administration, Office of Solid Waste Control and to reflect the reorganization in DPW is appropriate. Accordingly, we grant the Petition for modification of the unit description 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 State, County and Municipal Employees, D.C. Council 20, Local 2091 (AFSCME) is certified as the exclusive representative in Certification No. 53, PERB Case No. 88-R-08 (1989), is modified and amended as set forth below in the "unit description" to reflect the reorganization of the Department of Public Works and to include Litter Control Inspectors and Sanitarians in the Office of Solid Waste Control under the Department of Public Works, Solid Waste Management Administration. Nothing in this Order is to be construed as altering the scope of the bargaining unit as set forth in Certification No. 53, except in the manner discussed in this Decision.

Unit Description:

All employees of the Department of Public Works, Solid Waste Management Administration, Office of Education and Outreach, Vector Control Branch, and litter control inspectors and sanitarians in the Office of Solid Waste Control; 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.

September 27, 1996