

GAS DISTRIBUTION DIVISION

The Gas Distribution Division (GDD) contains approximately 760 employees and is responsible for the transportation and distribution of gas from interconnection points or gate stations to the end user. This responsibility includes the operation and maintenance of the pipeline network. Within the GDD are three departments: (1) Gas Operations (Department M1); (2) Gas Planning and Engineering (Department M2); and (3) Gas Maintenance and Construction (Department M3). There are disputed job classifications in all three departments; namely, Gas Operations (M1), Gas Planning and Engineering (M2), and Gas Maintenance and Construction (M3). The managers of these departments report to the Vice President in charge of the GDD.

Like the ETDD employees, the GDD employees report to a number of locations, but the majority of them work at the Spring Gardens headquarters complex. The Spring Gardens complex consists of the gas control and dispatching center, most of the GDD's maintenance and construction forces, a liquefied natural gas (LNG) storage facility and peaking plant, and an oil recovery facility. As noted, BGE has another LNG facility at its Westminster location. Training is done at the Pumphrey facility where some field personnel report. As noted, Notch Cliff is a propane storage facility and peaking plant. Some GDD employees also report to the Cockeysville, Perry Hall and Howard service centers.

GAS OPERATIONS DEPARTMENT M1

The parties stipulated that the Gas Production Section (M1-04) units have been reorganized and consolidated with the Gas Control Unit (M1-00-02). Consolidation of the activities of Gas Control (M1-00-02), LNG control room operations (M1-04-02) and Propane control room operations (M1-04-03) has resulted in changes to complements, titles and job responsibilities in each unit. I discuss these changes at M1-04, infra.

Gas Facilities Engineering and Maintenance Section - M1-02-01 - General Supervisor, Linwood J. Bazemore

The Gas Facilities Engineering and Maintenance Section, M1-02-01, is responsible for design, engineering, and maintenance at gas peaking plants and at gate stations. This Section contains design and engineering personnel, all of whom are excluded monthly employees, with the exception of the designers, which is the only classification in dispute. The Petitioner contends that the designers are technical employees, but would exclude the designers from any of the units that it has petitioned for. BGE would include the designers in the BGE-wide production and maintenance unit, or alternatively, in the BGE-wide technical unit, if found appropriate.

Designer (M1-02-01)

There are four designers in M1-02-01 in pay grade 31. Two of them are in work group 2, and the other two are in work group 3. They report to two different project managers, who are work leaders in pay grade 80. All the other personnel in the Section office are engineers, work leaders, or supervisors with pay grades beginning at 74.

In 1996, this Section was called Gas Plant Engineering, headed by a principal engineer and designated 55-02-02. The designer position is the same as it was then, except that it requires greater use of computers. The designers in M1-02-01 design facility changes or modifications at the gas peaking plants and gate stations. Two designers specialize in process and distribution design, one specializes in

control system design, and one specializes in environmental matters. In 1996, the Regional Director found that these designers were technical employees and that they did not share a community of interest with production and maintenance employees. See Er. Exh. 9C at 4-5. The record established that the job has become more computerized since 1996, but otherwise has not changed.

The designers work on the first floor of the Office and Storage Facility (OSF) at Spring Gardens. They use common areas of that building, such as the cafeteria, locker rooms, and conference rooms. They sit at design cubicles with a drawing table and a CADD station. They spend about sixty percent of their time in the office and forty percent of their time in the field. They are supervised separately from any field personnel.

The designers design and manage facility changes and installations. When the Section receives requests for changes, the designers define the ways in which the changes can be made. They visit the plant and discuss the desired changes with the plant supervisor and the operators. At that point, the designer consults with electricians and mechanics in M1-02-04, instrument and control technicians or data automation technicians in M1-02-06, and other personnel within M1-02. Armed with that information, the designer prepares a CADD design of the change. The project managers in M1-02-01 then approve the design, and the designer begins a "scope of work" list which shows the order in which various crafts will conduct each step of the work and the amount of time each step will take. This determination requires the use of discretion to decide the most economical and efficient way to sequence a job. The designers also determine the specific materials that will be used for the job. In general, those materials do not always conform to BGE's gas distribution standards because the work does not involve distribution but, rather, the facilities. Therefore, the designers rely on ASME codes as well as the gas distribution standards. When gas distribution standards are relevant, the designers consult with gas distribution designers in M2-05 and material specialists in M2-05-03. The designers' determinations regarding materials also require the use of discretion. Designers rarely consult with the senior administrative assistant in M2-05 regarding permitting because they usually handle permits for themselves.

When the work begins, the designers manage the project much in the way that a construction manager would handle a construction job. The engineers in M1-02-01 also manage projects, but they do not perform design work and the types of projects they manage are different from the projects managed by the designers. During the period when the work is being accomplished, the designer spends about 50 percent of his or her time at the site. One of the designer's responsibilities is recognizing and handling environmental concerns. For example, if water accumulates at an excavation site at Spring Gardens, which is a Superfund site, the water must be disposed of properly, rather than pumped into a storm drain. The designers, project managers, and engineers in this Section receive considerable training regarding environmental management. During the progress of a job, designers communicate with plant mechanics in M1-02-04, pipe fitters in M1-02-04, electricians in M1-02-04, instrument and control technicians in M1-02-06 and, occasionally, oil recovery technicians and oil recovery supervisors at the facility, who are in M1-02-07. They also communicate, depending on the type of job, with underground crew leaders and underground mechanics in Construction, particularly if excavation is required. Occasionally, the designers work on projects at power plants, in which case they consult with ETDD supervisors during the design stage. When the project is completed, the designer produces an as-built drawing that must be approved by the project manager in M1-02-01. Employer's Exhibit 479 is a typical as-built design print from M1-02-01 that shows the technical nature of the drawings that these designers prepare. The print includes electrical equipment. The designer was responsible for the design and layout of the conduit and all electrical facilities associated with the job.

The designers spend about 25 percent of their time developing and maintaining SAROS, a design print and document archiving and control system. This computer system archives design prints and

related equipment. They also act as construction managers on turnkey projects that are constructed by outside contractors. In addition, they accompany inspectors from the Maryland Occupational Safety and Health Administration during inspections at Spring Gardens. One of the designers is responsible for sampling with respect to the disposal of hazardous waste materials, and for arranging to have a contractor remove drums of materials to qualified sites. He sometimes operates a forklift to move drums. Those duties consume about 20 percent of the working time of that particular designer. The designers, engineers, and project managers are considered by BGE to be environmental experts with respect to the Gas Division. The designers and the other personnel in M1-02-01 have procurement cards. The designers' procurement cards have a spending maximum of \$2500.

The designers in M1-02-01 receive CADD training in-house and from software vendors. Gas distribution designers in M2-05 attend the same one-week external CADD training as the designers in M1-02-01. The designers also attend two-day environmental training courses annually or biannually at the Marine Academy south of Baltimore sponsored by the Public Service Commission and the Office of Pipeline Safety. Those courses also are attended by field employees in distribution operations such as gas distribution technicians and senior gas distribution technicians in M1-05. Furthermore, the designers in this Section attend courses offered by BGE regarding project management. They also attend other in-house training sessions that are attended by a variety of BGE employees. In addition, the designers attend other off-site seminars about once a year. BGE does not require the designers to hold any certifications or credentials. They must have considerable experience and demonstrated skills regarding project management, however. They are not required to have any post-high school degrees. Infrequently, the designers use surveying equipment such as transits and levels when working on projects involving gate stations. Frequently, they use CADD software, including Microstation AutoCAD, and various other software programs. When performing in-field sketching, they use an architect's scale. The designers in M1-02-01 attend quarterly Section meetings and biweekly safety tailgate meetings. The applicable job description, Employer's Exhibit No. 4, Job No. 154A, accurately describes the design and project management portions of the designers' jobs. It is inaccurate to the extent that it states that the designers prepare information required by project engineers for preliminary design studies because the design work is performed by the designers, not by the engineers. Furthermore, contrary to the Exhibit, BGE does not require CADD experience as a basic qualification. Rather, it requires the ability to learn and utilize the CADD system because that is a requirement to keep the job. The designers are required to complete satisfactorily the Technician Occupations Selection System Test. In addition, they must have two years of post-high school education and more than eight years experience in appropriate design, engineering, and drafting, or the equivalent combination of formal education and training and experience.

I conclude that the designers in M1-02-01 are technical employees who should be included in the BGE-wide technical unit found appropriate in 5-RC-14908. Like the designers found to be technical employees in the ETDD, they have specialized skills and job duties that require independent judgment. They gather information necessary to construct a design and then use computers to layout complex designs. They determine the order of construction and the materials needed for the project. The record established that the designer job requires significant experience and training. As noted, a basic qualification for the job is two years post high school education and over eight years experience in design, engineering and drafting, or the equivalent combination of training, education and experience. The designers must also have two years experience using CADD. They use computers, survey equipment, M-scopes, architect's scales and the CADD software system. In addition to these distinctive technical skills and functions, they are located in a unit with engineers and project managers. They do not share supervision with any construction personnel. There is no evidence that the designers perform any physical production and maintenance work. Rather, the nature of their work, skills, and duties differs significantly from those employees included in the BGE-wide production and maintenance unit. In these circumstances, I find, as the Regional Director found in 1996, that the designers in M1-02-01 are

technical employees. Power Inc., 311 NLRB 599, 608 (1993); Capitol Temptrol, Corp., 243 NLRB 575, 585-586 (1979); Maryland Cup Corp., 171 NLRB 367, 369 (1968); Waldorf Instrument Co., 122 NLRB 803, 805-06 (1958). I further find that these designers share a sufficient community of interest with other designers and technical employees throughout the UOG and must be treated in the same manner. See TRW Carr Division, 266 NLRB 326 (1983); Bendix Corp., 150 NLRB 718, 719-21 (1964). The record indicates that the gas designers in M1-02-01 and the designers in the ETDD, who I have included as technical employees in 5-RC-14908, generally have the same educational requirements, receive comparable training from BGE and vendors, perform substantially equivalent design work under similar working conditions, and receive comparable pay and benefits. Accordingly, I shall include the designers in M1-02-01 in the BGE-wide technical unit found appropriate in 5-RC-14908.

Gas Facility Maintenance Unit M1-02-04

The Facility Maintenance Unit is responsible for the following: physical maintenance of all electrical equipment in the gas facilities, including gate stations, processing plants, and Spring Gardens; the maintenance of public works facilities such as water systems; the maintenance of pumps, compressors, and vaporizers; grounds maintenance; and some paving, excavation and other physical aspects of maintenance. The parties disagree about whether the principal administrative assistant should vote in the BGE-wide production and maintenance unit. The Petitioner would exclude this classification as an office clerical and the BGE would include this classification as a plant clerical.

Principal Administrative Assistant (M1-02-04)

The principal administrative assistant in M1-02-04, Joe Sutton, is in pay grade 28. He is the only classification in work group 1. He provides administrative assistance to all of the craft employees in the unit by assisting them with time keeping, processing invoices, ordering materials, helping them with the computer systems, and working as a shop clerk, which is what the position used to be called. His office is in a corner of the machine shop, where much of the unit's work is performed. The principal administrative assistant spends about 70 percent of his time in the office area, near the shop area. The shop area consists of a machine shop, electrical shop and weld shop. It is one large open area. The only thing that separates the weld shop from the other areas is a canvas curtain. All trade craftsmen in M1-02-04 work in the shop areas. Approximately 30 percent of the principal administrative assistant's time is spent at his computer station. He spends about 20 percent of his day on the shop floor consulting with the various craft employees about jobs they are performing or work that is scheduled. When he does so, he wears the safety equipment worn by those other employees, including safety glasses, hearing protection, and safety shoes.

The principal administrative assistant's duties regarding the processing of invoices include placing orders for materials that other employees cannot purchase with their procurement cards, and occasionally receiving the materials. He orders materials for this unit by phone, invoice, or in-house computer system. When the crafts cannot use procurement cards to obtain material, the principal administrative assistant obtains the material for them.

The principal administrative assistant's primary responsibility is to act as the system administrator for BGE's Maintenance Management System (MMS), a computer system that tracks the work performed by the unit and is similar to the Work Management System (WMS) system used by many other organizational units. The MMS system is used by units within Department M1 to request the services of M1-02-04. Depending on the type of services requested, the principal administrative assistant designates which employees in the unit are given the work. He reviews work orders and allocates them by handing them either to work leaders or to craft personnel. He reviews job requests that come through

the MMS and allocates the work to the appropriate unit. The allocation is determined by the nature of the job, such as electrical, pipefitting, excavation, etc. In administering the system, he works closely with craft people in M1-02-04. He follows the progress of their jobs through the computer system and through face-to-face interaction. At the end of each day, the craft employees are required to input the job's status into the MMS system. The principal administrative assistant works very closely with the craft people to help them with the process. When work is complete, the craft personnel in the unit tell the principal administrative assistant what has been done, and he inputs that information into the MMS system. At the same time, he is teaching those employees how to perform that data input function themselves. Sometimes this requires that Sutton sit down with the craft employees in the unit and walk them through the process. This occurs on a daily basis.

Historically, Sutton has input the craft employees' time sheets, but Sutton is showing the employees in this unit how to input their own timesheets in the computer system. The employees in this unit will eventually be able to enter their time without Sutton's assistance. Sutton spends time going to the OSF Building to handle mail for the unit. He attends all unit meetings, which occur at least once per month, and all section meetings. When other employees in the shop shovel snow, the principal administrative assistant participates.

In 1996, the current functions of M1-02-04 were handled by two units, 55-02-04 and 55-02-05. The principal administrative assistant in M1-02-04 was a shop clerk in 55-02-02 at that time, with the title of maintenance manpower coordinator. The job has changed only insofar as the use of the MMS system has grown.

I conclude that the principal administrative assistant in M1-02-04 is a plant clerical employee who shares a sufficient community of interest with production and maintenance employees to be included in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909. Concededly, Sutton performs some tasks typically associated with office clerical employees such as picking up mail and inputting time. However, the record also established that his work is closely aligned and functionally integrated with craftsmen in undisputed production and maintenance positions. He orders materials for them, reviews their work orders, and allocates work orders by craft. In addition, he is the system administrator for the computer system that tracks the work performed by the unit. In administering this system, he works closely with the craftsmen in M1-02-04 on the shop floor. He follows the progress of their jobs through the computer system and through face-to-face interaction. He has regular and substantial interaction with production and maintenance employees on the shop floor. In these circumstances, I find that the principal administrative assistant in M1-02-04 is more akin to a plant clerical than office clerical employee and I find that this classification shares a sufficient community of interest with employees in undisputed production and maintenance positions to be included in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909. See Idaho Power Co., 126 NLRB 547, 551 (1960) (records clerks).

Gas Systems Support Unit - M1-02-06 – Supervisor, Edward S. Krikorian

The Gas System Support Unit maintains the instrumentation and computer systems that support plant operations and gas control operations, and this unit performs bench calibration of gauges and instruments for various organizational units. This unit, includes, inter alia, gas distribution automation technicians and I&C technicians. The parties have agreed to include the I&C technicians in a production and maintenance unit found appropriate. Initially, both parties claimed that the gas distribution automation technicians were technical employees. Thus, at the hearing, the Petitioner took the position that the gas distribution automation technicians (GDATs) were technical employees and should be excluded from the petitioned-for production and maintenance unit. On brief, however, Petitioner has

changed its position and would include the GDATs in the BGE-wide physical production and maintenance unit. Petitioner claims that the record established that the job is physical and non-technical in nature and that the record fails to establish that the GDATs are required to receive any advanced training. Moreover, the Petitioner observes that the job description for the GDATs was never verified as accurate, and given the many inaccuracies in job descriptions discovered throughout the hearing, it cannot be assumed that the GDATs' job description is accurate. Pet. Brief at 679. BGE takes the position that the gas distribution automation technician and the I&C technician perform essentially the same functions and that both, irrespective of their technical status, have a community of interest with undisputed production and maintenance positions sufficient to warrant their inclusion in the BGE-wide production and maintenance unit.

Gas Distribution Automation Technicians, M1-02-06

The four gas distribution automation technicians are in pay grade 31. They are supervised by unit supervisor Edward S. Krikorian. They are the only weekly employees in work group 1 within that unit. The gas distribution automation technicians (GDAT) and the I&C technicians are both housed in the Spring Gardens OSF Building on the first floor. There is a great deal of interaction on that floor between the gas distribution automation technicians, I&C technicians and other employees. The gas distribution automation technicians work in a set of offices on the first floor of the Office Storage Facility (OSF), located at Spring Gardens. Each of them works in a cubicle with a desk, a credenza, and file space. They also share a workbench in a shop area with instrument and control technicians (I&C technicians) who work in the Gas Systems Support Unit under Krikorian.¹ At that workbench, the gas distribution automation technicians assemble and fabricate equipment, and perform calibration and programming work. The first floor of the OSF also is used by other employees in the Gas Operations Department (M1) and the Gas Maintenance and Construction Department (M3). The gas distribution automation technicians also perform some work in the Chromatograph Building near the OSF. At the time of the 1996 election, all but one of the current gas distribution automation technicians were classified as instrument and measurement technicians or senior instrument and measurement technicians in M1-02-03, and were eligible to vote in the production and maintenance unit at issue in that proceeding. The record established that the job duties at issue have not changed significantly since that time.

The gas distribution automation technicians maintain and program devices called remote terminal units (RTUs) and programmable logic controllers (PLCs) at plants and at Gas Control. In addition, the gas distribution automation technicians maintain pressure and temperature transmitters and odorization equipment at plants, gate stations, and Gas Control. Such maintenance consists of trouble shooting, repair, calibration, installation, fabrication, and design. An RTU is a type of electronic equipment that gathers data from temperature and differential pressure transmitters and passes it to a central computer (SCADA). The installation of an RTU involves construction-type work such as fabricating stands for mounting the device, drilling and tapping. The gas distribution automation technicians physically create the installation using a variety of power and hand tools including drills, saws, hammers, taps, shovels, dies and conduit-bending machines. Some of the fabrication work is done at a bench in a shop area, and some is done at remote sites.

The GDATs program the RTUs prior to installation by using laptop computers along with software manufactured by Bristol Manufacturing. The programming takes place in the OSF building. The program is then downloaded to the RTU. Gas distribution automation technicians also use personal computers and other electronic test equipment in the field to assist with testing the RTUs when problems

¹ As noted, both parties agree that the I&C technicians are eligible to vote in an appropriate production and maintenance unit.

are reported and when performing preventative maintenance. Most of the diagnostic work occurs in the field. In order to diagnose a problem, the gas distribution automation technicians interpret data such as internal voltages that are reported by the RTUs to the personal computers. When problems are diagnosed, the gas distribution automation technicians perform repairs by replacing parts and recalibrating instruments. In the coming year, the gas distribution automation technicians are expected to spend 10 to 20 percent of their time working with RTUs. The GDATs must also program the RTU to interface with a chromatograph, which measures the chemical composition of gas.

The GDATs and the I&C technicians interact with each other in the field. In the field, the GDAT works along with an I&C technician when the GDAT is repairing an RTU. The interaction is necessary because signals must be sent back and forth in an effort to determine the problem. They also interact with gas plant mechanics and pipe fitters in M1-02-04, who are undisputed production and maintenance workers. On capital work, the GDATs work along with electricians from M1-02-04. If a building and foundation is being constructed to house the RTUs, a gas plant mechanic from M1-02-04 is used for the concrete work. The GDATs must also configure the RTUs modem when it is installed in the field.

The gas distribution automation technicians spend the majority of their time in the field troubleshooting and repairing electronic equipment, working with pressure transmitters, temperature transmitters, PLCs, differential transmitters, and odorization measurement equipment. On a typical day, two of the four gas distribution automation technicians work in the field, while the other two work in the shop at the OSF. While in the shop, they fabricate equipment and prepare reports. When working in the field, gas distribution automation technicians sometimes interact with I&C technicians from the System Support Group, modifications electricians in the Gas Facility Maintenance Unit (M1-02-04), gas distribution technicians in the Pressure Control Unit (M1-03-02), and gas plant mechanics in Gas Facility and Maintenance (M1-02-04). They use vans equipped in a manner similar to those used by I&C technicians. Employer Exhibits 409 and 411 depicts the van used by the GDATs and Employer Exhibits 410 and 412 depicts the van used by the I&C technicians. The vans are virtually identical. Employer Exhibit 413 depicts a pressure transducer test board setup. The right side of the setup was built by the GDATs and the left side was built by the I&C technicians. In the field, a portion of the equipment depicted is installed by the I&C technicians into the installation made by the GDATs. Employer Exhibit 414 depicts two tool cabinets that are shared by the GDATs and the I&C technicians. Employer Exhibit 416 shows a workbench that is used jointly by the GDATs and the I&C technicians. The tools used by both classifications are similar. GDATs and I&C technicians have the same proficiency requirements. Mr. Krikorian writes similar proficiency statements for the gas distribution automation technicians and the I&C technicians, covering topics such as job knowledge, quality and quantity of work, work behavior, communications and safety. The differentiation between the GDATs and the I&C technicians basically concerns the type of equipment each maintains and repairs.

The gas distribution automation technicians and the I&C technicians receive both internal training and external training. Employer Exhibits 408A-D lists the courses taken by the gas distribution automation technician, many of which involve instruments and controls courses or computer programming courses that assist them to perform their jobs. Generally, the courses and training are the same for the GDATs and the I&C technicians. The four gas distribution automation technicians have taken various courses in order to be qualified to perform their duties. The subjects of those courses include instrument controls, electronics, Boolean algebra, and computer programming. Two of the four gas distribution automation technicians have obtained certifications from the Instrument Society of America (ISA) based on their experience and the passing of a test.

I conclude that the gas distribution automation technicians - much like the distribution automation technicians in 36-05-04, whom Petitioner initially sought as technical employees in 5-RC-14908 and then

agreed to include in 5-RC-14909 - share a sufficient community of interest with production and maintenance employees to be included in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909. The gas distribution automation technicians share common supervision with the I&C technicians, who are included in the BGE-wide production and maintenance unit by agreement of the parties. The GDATs and the I&C technicians perform virtually the same functions with virtually the same tools and equipment. Their training and work environment is the same. They also have significant interaction with each other and with production and maintenance classifications in the field. The gas distribution automation technicians use wrenches, drills, saws, hammers, taps, dies, screwdrivers, and metal conduit to fabricate, install, maintain and calibrate several different types of equipment in the gas plants, gate stations and the oil recovery facility. On a typical day, two out of four GDATs are performing maintenance work in the field. The other two GDATs are fabricating equipment in the shop. When in the field, GDATs typically work with several different physical production and maintenance classifications. Supervisor Krikorian testified at length regarding the similarities between GDATs and I&C technicians. Although the gas distribution automation technicians have some specialized training or coursework, they share this training with the I&C technicians and the record fails to establish that they regularly use independent judgment to perform their job or that their job is predominately of a technical nature. Accordingly, in light of the predominately non-technical physical nature of the GDAT's job, and the overwhelming community of interest that the gas distribution technicians share with the I&C technician classification, whom the parties have agreed to include in the BGE-wide production and maintenance unit, I shall include the GDATs in M1-02-06 in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909.

Gas Distribution Operations Section - M1-03-01 - General Supervisor, Dennis R. Baker

The Gas Distribution Operations Section is responsible for ensuring BGE's compliance with Department of Transportation regulations regarding gas and for all of the annual DOT compliance inspections required for gas. The Section is housed in the Service Building at Spring Gardens. The Section's space in the Service Building is a typical office setting.

The Section has three units. The Pressure Control Unit, M1-03-02, is responsible for all gas distribution regulation and valuing, as well as emergency response service. The Gas System Operations Unit, M1-03-04, is responsible for system condensate recovery, and maintenance of gate station regulation and odorization. The Leak Survey and Corrosion Unit, M1-03-05, performs routine leak inspection system-wide and monitors all underground corrosion prevention programs.

In M1-03-01, the principal gas distribution technician and senior administrative assistant are in dispute. In M1-03-05, the senior administrative assistant is in dispute. BGE claims that these classifications should vote in the BGE-wide production and maintenance unit. The Petitioner would exclude these classifications.

Principal Gas Distribution Technician -- M1-03-01

The principal gas distribution technician in M1-03-01, is in pay grade 31. He is responsible for accumulating all of the gas plates or prints from new jobs. He updates the prints concerning throttles.² The principal gas distribution technician then speaks to the senior gas distribution technician, who draws changes on a map. The principal gas distribution technician updates prints that show major pipelines and valves to note changes that have been made. The principal gas distribution technician in M1-03-01

² The term, "throttles," means the process of reducing pressure in a pipeline so that the flow of gas can be shut off safely.

spends less than 10 percent of his time on this task. His work with the gas plates consumes 25 to 30 percent of his time and about half of his time is spent in the office. Senior gas distribution technicians also update prints that are used in-house.

The principal gas distribution technician substitutes for absent senior distribution technicians, serves as a third person on field crews, when necessary, and sometimes acts as a second truck leader for an emergency procedure or to run a throttle. He also joins the Section's field crews when vacations or illnesses reduce staffing, or when he is needed as a qualified rescue worker to remove a person from a confined space in a gaseous atmosphere. With respect to that rescue worker role, he maintains the same qualifications as senior gas distribution technicians and gas distribution technicians. He is responsible for call-in on emergency work, just like the senior gas distribution technician. The record established that he has been called in during the last year for emergency work more than any senior gas distribution technician.

Employer Exhibits 449, 450, 451 and 452 depict the truck and the tools that the principal gas distribution technician uses or is trained to use. Generally, he uses the same tools as the senior gas distribution technician and the gas distribution technician, including pry bars, picks, hammers, chisels, valve keys, wrenches and regulator repair equipment. The equipment is used to inspect and repair regulators and valves. When performing work in the field, he wears a hard hat, safety glasses, safety vest, flame retardant overalls and steel-toed shoes. He must maintain a commercial driver's license so that he can drive a truck, when necessary. The principal gas distribution technician spends about 10 percent of his time performing the duties of a senior gas distribution technician. Of that 10 percent, he travels to the job sites in trucks with other field personnel about half of the time and travels with a different type of BGE vehicle half of the time. He spends about five percent of his time visiting job sites before work commences to obtain information such as pressure requirements, safety and personnel needs, and the nature of the job. The information he gathers on such visits is passed on to the senior gas distribution technicians. The principal gas distribution technician spends about 20 to 30 percent of his time working as a senior gas distribution technician, or performing other tasks in the field such as delivering tools or obtaining information from crews. When he is working with field personnel, he may work flex time, but when he is working in the office he may not.

The principal gas distribution technician determines the scope of a job. He regularly visits the field to determine pressure regulator issues, safety issues, manpower issues and the type of work to be performed. When he returns to the office he compiles that information into a job or safety standard to be used by field personnel. In performing that function, he regularly communicates with the senior gas distribution technician about the scope of the work to be performed. The field personnel call the principal gas distribution technician to request tools, equipment and parts. Once he obtains the tools, equipment or parts, he brings them to the job site. Furthermore, he writes procedures for throttles and emergency work so that all personnel working on such a task will know what needs to be done, and in what order. The written throttle procedures must be approved by a supervisor.

Another of his duties is to monitor costs in M1-03-01. In doing so, the principal gas distribution technician notes the expenditures of the Pressure Control Unit (M1-03-02), the Gas System Operations Unit (M1-03-04), and the Leak Survey and Corrosion Unit (M1-03-05). The principal gas distribution technician receives a computer printout from Planning and Administration in M2-00-01. This printout shows expenditures as well as the budget. When monitoring costs the principal gas distribution technician speaks to the supervisors in all three Units in the Section and reports the information that he gathers from them to the Section's general supervisor, Mr. Baker. The principal gas distribution technician spends about 10 percent of his time on cost control.

Although the supervisors within the Section are responsible for scheduling the employees, the principal gas distribution technician must be familiar with the locations of the various field crews within the Section in case they need to respond to an emergency. About once or twice a week, he asks the supervisors to change the location of a crew so that there is at least one crew close enough to every part of the system to respond to an emergency.

Approximately 3 or 4 times per week, the principal gas distribution technician attends meetings in place of the general supervisor or other unit supervisors within the Section, such as safety meetings or planning meetings. Furthermore, he is the safety coordinator or safety leader for the Section. In that role, he must keep abreast of any changes to the safety procedures, and he must communicate those changes to the units. He also communicates with the group's safety coordinator with respect to those issues. Although he spends about 10 percent of his time on safety coordinator duties, he communicates with other employees in the Section about safety issues on a regular basis.

The principal gas distribution technician also is responsible for the Operator Qualifications Project within the Gas Distribution Operations Section. That Project involves a Department of Transportation requirement that all of the jobs within the Section show a written level of operator qualification for safety purposes. The principal gas distribution technician is in the process of writing those qualifications for the Section. In 1999, he spent about 25 percent of his time on the Project, although that percentage has declined more recently.

Also, the principal gas distribution technician is in the process of writing the Section's proficiency statements, which is a system for grading or evaluating the Section's employees. The job proficiencies that he is preparing outline the requirements of each job in the Section. The determination of whether a particular employee meets those requirements is made by a supervisor, not by the principal gas distribution coordinator. That determination can affect an employee's rate of pay. At the time of the hearing, that task consumed about five to ten percent of his time.

The principal gas distribution technician began working in this Section as a gas distribution technician, and worked as a senior gas distribution technician before assuming his current position. The Leak Survey and Corrosion Unit, M1-03-05, is relatively new to the Section. The principal gas distribution technician is in the process of learning that Unit's functions by going into the field with its crews.

I conclude that the principal gas distribution technician in M1-03-01 shares a sufficient community of interest with production and maintenance employees to be included in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909. In performing his job, he is called upon to perform the duties of a senior gas distribution technician and gas distribution technician as a crew member. The principal gas distribution technician performs essentially the same duties as the senior gas distribution technician with some additional administrative duties because the unit needed an individual in the office with field experience and knowledge of the field functions of the senior gas distribution technician and the gas distribution technician. He maintains the same safety qualifications as a senior gas distribution technician and gas distribution technician. He spends approximately 20% of his time in the field. He works with his tools performing the same work as senior gas distribution technicians, when needed. When working on a field crew, the principal gas distribution technician uses picks, hammers, chisels, valve keys, wrenches, safety and traffic safety equipment, and regulator repair equipment. He also must wear safety equipment on those occasions. He inspects and repairs regulators and valves as needed. He maintains a CDL license so that he is able to drive equipment, when necessary. He also takes necessary tools to job sites for the field crews.

In the office, the principal gas distribution technician updates the prints that concern throttles in much the same manner as the senior distribution technician, an undisputed production and maintenance classification. He maintains the same qualifications as the senior distribution technicians and the distribution technicians. When updating prints for throttling information he interacts with the principal I&C gas technician and the I&C gas technician in M1-07-03, who are also undisputed production and maintenance employees. He operates as a third man on a crew or a second senior distribution technician. He is a trained rescue worker for confined space rescues which allows him to be used as a third member of a crew. He regularly fills in for the senior distribution technician on routine pressure control crew assignments to cover for absences. He writes the standard practice for procedures with regard to throttles and emergency work. He takes tools and equipment to the job site for the senior gas distribution technician, is responsible for all safety initiatives, attends all emergency training, and is responsible for scheduling the various M1-03 crews. On a daily basis, he interacts with the crews to determine where they are and whether they are working on schedule. He coordinates any schedule changes and communicates those to the field forces. He is also responsible for the operator qualification program and writes and assembles all requirements to establish that adequate training is taking place to meet DOT requirements. He is able to perform such tasks because he came from the field.

Based on the foregoing, I conclude that the principal gas distribution technician shares a sufficient community of interest with production and maintenance employees to be included in the BGE-wide production and maintenance unit in 5-RC-14909. He performs work that is functionally integrated with production and maintenance work and regularly performs production and maintenance work himself, either in the field or in the office under the same working conditions, with the same tools, and with the same qualifications and training as undisputed production and maintenance classifications. Concededly, he also has administrative and clerical job skills and functions that are different from the physical work performed by construction and field personnel, however, he spends the majority of his time performing production and maintenance work or tasks that are integrally related thereto. In these circumstances, I conclude that neither his administrative responsibilities nor the fact that he does not share immediate supervision with any production personnel do not outweigh the other community of interest factors, described above, that support his inclusion in the BGE-wide production and maintenance unit. Accordingly, I shall include the principal gas distribution technician in the BGE-wide production and maintenance unit in 5-RC-14909.

Senior Administrative Assistant -- M1-03-01

The senior administrative assistant for M1-03-01, Susan Fritz, has a desk in front of the desk used by the Section supervisor, Dennis R. Baker. She spends almost all of her time at or near her desk. She orders materials for certain field employees, orders office supplies, downloads data concerning valves for use by senior distribution technicians, inputs data, and manages microfiche versions of gas plates. She is responsible for filing valve tickets and safety audits. She also is responsible for filing new microfiche. Senior gas distribution technicians have computer work stations near the senior administrative assistant's desk, where they work for 15 to 20 minutes in the morning before going to job sites, and for 15 to 20 minutes at the end of their work days to input data obtained from the field. At these times, the senior gas distribution technicians tell the senior administrative assistant what materials they need. Senior gas distribution technicians sometimes call her on radio or cell phone systems to inform her of material that must be ordered.

In addition, senior gas distribution technicians have contact with her regarding emergency situations that are reported to her by Gas Service, customers, or other employees of BGE. She receives such emergency calls about once or twice a week, and she responds by locating a truck with a senior gas distribution technician and a gas distribution technician. The type of work that is usually required from

these technicians in such emergency situations concerns the shutting off of a pipeline or a reduction in gas pressure. Typically, such emergency work is performed by personnel from the Pressure Control Unit in M1-03-02 after the senior administrative assistant contacts a supervisor in that Unit. If the supervisor is not available, she contacts the field personnel in the truck directly. When the senior gas distribution technician observes the problem in the field, he or she calls the senior administrative assistant to report what was found. The senior administrative assistant then calls the supervisor in M1-03-02, and that supervisor then calls the senior gas distribution technician in the field. If the supervisor is not available, the senior administrative assistant relies on the information and recommendations from the senior gas distribution technician in the field and responds by sending more crews to the site. In addition, she is responsible for calling police and fire departments if their assistance is needed during emergency situations. The senior administrative assistant also serves as a communications link between field crews in M1-03-02, M3-04-01, and M3-05-01 and their supervisors during emergencies when those crews are responding.

In non-emergency situations, the senior administrative assistant serves as a communications link between various field crews and their supervisors at Spring Gardens. Approximately two or three times per week, field crews call the senior administrative assistant with questions regarding information on the gas plates that are not up to date. When that happens, she speaks to the design group personnel in M2-05-01 who are responsible for drawing the plate. The senior administrative assistant is responsible for filing the gas plates that are received from that design group and for removing outdated plates that have been revised by the design group. The plates that she files are the only copies that may be used by the senior gas distribution technicians and gas distribution technicians when they go to a job site. She also checks with the senior gas distribution technicians when they complete a job to ensure that the plates are accurate. Another responsibility of the senior administrative assistant is to maintain the database for valves, and to pass on valve tickets to field crews by leaving said documents with the field supervisors.

The senior administrative assistant also maintains the collection of safety audits that are performed by the units within M1-03-01. Those audits are performed by senior gas distribution technicians and gas distribution technicians (peer audits), as well as by supervisors. She has performed peer audits on employees working in the office, and has performed two peer audits on field crews. In addition, she attends Section meetings and, about four times per year, attends meetings held by the separate Units within the Section. She takes the same CPR and first aid training as the senior gas distribution technicians and the gas distribution technicians, and she is a facilitator for fire emergencies in the building where she works. The senior administrative assistant regularly goes to the OSF Building to retrieve mail for the Service Building, and occasionally to eat lunch. She works flex time.

In 1996, the current senior administrative assistant in M1-03-01 held the job title of unit support clerk in 55-01-02, and was eligible to vote by agreement of the parties. Her responsibilities have not changed since that time, but she spends less time typing because of the increased use of computers by the technicians and supervisors within the Section. She spends about 10 to 20 percent of her time performing work for the Section's supervisors. About 35 to 45 percent of her time is spent working with a computer. The remaining 55 to 65 percent of her time is spent filing and assembling valve tickets and other documents.

I conclude that the senior administrative assistant in M1-03-01 is an office clerical employee who should be excluded from any of the units found appropriate herein. She has different skills and functions than production and maintenance or technical employees and performs typical office clerical functions such as inputting data, retrieving mail, and ordering office supplies and filing. She spends most of her day filing gas plates, inputting data, and ordering materials and office supplies. She works exclusively in a typical office environment near the General Supervisor's desk in the service building at the Spring

Gardens complex. She only leaves this building to retrieve the mail. Although the senior distribution technicians place orders with her and contact her during emergencies, most of this contact is by radio or cell phone and there is minimal evidence of any direct contact with production and maintenance or technical employees. The senior administrative assistant does not share supervision with any production and maintenance or technical personnel and does not interchange with them. In these circumstances, I conclude that the senior administrative assistant is an office clerical employee who should be excluded from any of the units found appropriate herein, even though she may occasionally be required to interact with production and maintenance employees. Power, Inc., 311 NLRB 599, 608, affirmed, 240 F.3d 409 (D.C. Cir. 1994); Mitchellace, Inc., 314 NLRB 536, 536-37 (1994), enforced, 90 F.3d 1150 (6th Cir. 1996); Cook Composites & Polymers Co., 313 NLRB 1105, 1108-09 (1994); Avecor, Inc., 309 NLRB 73, 75 (1992); Jackel Motors, 288 NLRB 730, 742 (1988); Container Research Corp., 188 NLRB 586, 587 (1971).

Leak Survey and Corrosion Unit - M1-03-05 - Supervisor, Thomas A. Jendras

Senior Administrative Assistant -- M1-03-05

As noted, the Leak Survey and Corrosion Unit, M1-03-05, is responsible for performing the leak survey and corrosion control functions of the entire gas distribution system. The Unit is housed in the Corrosion Building at Spring Gardens.

The senior administrative assistant in that Unit, Debbie Preskey, is responsible for time-keeping duties, ordering materials, handling the Unit's mail, filing reports and work orders, scheduling work with customers, making dispatch calls, and handling general clerical work. She spends about 80 percent of her working time in the Corrosion Building, and eats lunch in the cafeteria in the OSF Building. The senior administrative assistant works from 7:00 a.m. to 3:30 p.m. The Leak surveyors' hours are 6:00 a.m. to 3:30 p.m. The corrosion technicians report from home directly to the field four days per week, and work in the office one half day per week.

The time sheets that she uses for her time-keeping duties come from two sources. The leak survey technicians fill out their own timesheet forms and submit them to the senior administrative assistant, and the corrosion control technicians provide their information verbally, either in person or by radio or cell phone. The information that she needs to order materials comes from reports that are left in her in-box by leak survey technicians and corrosion control technicians, or from verbal requests from those employees conveyed by radio or cell phone. She orders materials on a daily basis, using a computer. With respect to the senior administrative assistant's dispatching functions, she receives calls from Miss Utility, Gas Operations, Gas Construction, or Gas Maintenance requesting the assistance of a corrosion coordinator, a corrosion technician, or a leak surveyor at a particular site. That information is conveyed to the Unit supervisor or a leak surveyor coordinator or corrosion control coordinator (work leaders), who decide which employee should be dispatched. She then calls the appropriate employee by cell phone or radio and asks him or her to respond. About five percent of her time is spent on dispatching functions. In addition, the senior administrative assistant occasionally receives emergency calls from field employees' family members and conveys information from said family members to employees by radio or cell phone. She does not receive calls from the Unit's field employees for any reasons other than those described above regarding time-keeping and the ordering of materials.

The senior administrative assistant attends safety tailgate meetings, weekly meetings with the Unit's field employees, Section meetings, and Department meetings. In addition, she has attended meetings with the Unit's field employees regarding her voluntary role as a United Way representative and a blood drive coordinator. She also held a meeting with those field employees regarding BGE's Flex

Benefits Program. The senior administrative assistant is in the office when the leak survey employees report each afternoon. At that time, they deposit their timesheets in a basket on her desk. The corrosion technicians report to the office at 7:00 a.m. every Thursday and spend about half of the day downloading their laptop computers into a database, processing work orders, and turning in material sheets. The area in which they work is adjacent to the senior administrative assistant's desk. She does not work in the field. Rather, she spends 100 percent of her working time in the office and 60 percent of her time working with a computer. She may not work flex time. In 1996, this position was called corrosion control clerk. The nature of the work assigned to that classification has not changed since 1996, except for the addition of duties connected with the leak survey function, which was not a part of this Unit at that time. Ms. Preskey is performing the same type of work now that she performed as a corrosion control clerk and as a senior support services clerk since 1995.

I conclude that the senior administrative assistant in M1-03-05 is an office clerical employee who should be excluded from any of the units found appropriate herein. She has different skills and functions than production and maintenance or technical employees and performs general clerical work such as filing reports, scheduling work, distributing mail, ordering materials, inputting time records, and talking with customers on the phone. The senior administrative assistant spends all of her time working in an office environment, and sixty percent of her time working in front of a computer. In addition, there is little evidence of direct contact with production and maintenance employees, who either work earlier hours or report directly to the field from their homes. Generally, leak surveyors and corrosion technicians either drop their material orders and time records in a basket on Preskey's desk, or give her the information over the phone or radio. The senior administrative assistant does not share supervision with any production and maintenance or technical personnel and does not interchange with them. In these circumstances, I conclude that the senior administrative assistant is an office clerical employee who should be excluded from any of the units found appropriate herein, even though she may occasionally be required to interact with production and maintenance employees. Power, Inc., 311 NLRB 599, 608, affirmed, 240 F.3d 409 (D.C. Cir. 1994); Mitchellace, Inc., 314 NLRB 536, 536-37 (1994), enforced, 90 F.3d 1150 (6th Cir. 1996); Cook Composites & Polymers Co., 313 NLRB 1105, 1108-09 (1994); Avecor, Inc., 309 NLRB 73, 75 (1992); Jackel Motors, 288 NLRB 730, 742 (1988); Container Research Corp., 188 NLRB 586, 587 (1971).

Gas System Control Unit (M1-04-01)

The parties stipulated to the following paragraph. This unit now consists of salaried (exempt) employees only. Formerly M1-00-02, this unit continues to have responsibility for monitoring and operating the BGE gas distribution system; but now includes the dispatch and operation of the LNG and propane peak shaving facilities via remote control SCADA. Neither party seeks the inclusion of any positions in this unit.

LNG Operations Unit (M1-04-02)

The parties stipulated to the following sentence.

One GAS OPERATOR from the Propane Operations Unit (M1-04-03) has been temporarily transferred to M1-04-02 for summer operations.

Propane Operations Unit (M1-04-03)

The parties stipulated to the following paragraph.

The complement of GAS OPERATOR (135D) has been increased from three (3) to four (4). There are currently three (3) incumbents in a complement of four (4) positions. One GAS OPERATOR from the Propane Operations Unit (M1-04-03) has been temporarily transferred to M1-04-02 for summer operations.

Gas Measurement Section - M1-07-01 - General Supervisor, Susan R. Maseth Technical and Support Services Unit - M1-07-04 - Mitchell Solkowitz

The Units in M1-07-02, -03 and -04 are responsible for the testing, calibration, and installation of gas meters and regulators. M1-07-04 provides support services for M1-07-02 and M1-07-03. The positions in M1-07-02, -03 and -04 that all parties agree should vote in the BGE-wide production and maintenance unit are: gas meter technician trainee, gas system technician, measurement & data control technician, senior gas meter technician, senior gas meter technician - D, senior regulation technician, I&C gas technician, and principal I&C gas technician. These employees all work in the Rutherford Business Center. See Employer Exhibit 418. The left-hand side of Employer Exhibit 418 shows the office area where the engineering technicians, gas measurement specialists, principal administrative assistant and senior administrative assistant work. That area also contains a computer station used by the I&C gas technicians and the principal I&C gas technicians. Immediately adjacent to that area on Employer Exhibit 418 is a room used by a measurement and data control technician to repair and rebuild respirators. The open area depicted in the drawing is a common office area. The section of the drawing from C through M is the shop area. The middle lower portion of the drawing shows the instrumentation room that the measurement and data control technicians use. There is also a fabrication area in the shop used by M1-07-03 and an area for the senior gas meter technicians in M1-07-02. Common areas include a lunchroom, locker rooms and an assembly room which are used by all employees in this section and by mechanics in Facilities & Fleet Services.

The only unit within Section M1-07 that contains disputed classifications is M1-07-04. The disputed classifications are engineering technician, principal administrative assistant and senior administrative assistant. BGE contends that each of these classifications should vote in an appropriate production and maintenance unit. The Petitioner would exclude these classifications.

Engineering Technicians, M1-07-04

The Petitioner asserts that these engineering technicians are technical employees. The Employer disagrees. The two engineering technicians in M1-07-04 work in the Rutherford Business Center (RBC), on the transportation fleet level. They are in pay grade 30. At least sixty percent of their work time they sit in an office environment, which they share with several supervisors and clerical personnel. They wear business casual attire. They work from 6:30 a.m. to 3:00 p.m., with a flex-time option. Their supervisor is Mitchell Solkowitz. They are not permitted to work a "zero-forty schedule." Their work space is an office cubicle layout, where they primarily work at desks with computers. They share a lunch room, bathrooms, locker rooms, and an assembly room with field employees working in M1-07-02 and M1-07-03, such as senior gas technicians and I&C gas technicians. Unlike the engineering technicians, these field employees spend approximately 80% of their working time away from the RBC.

The work of the engineering technicians involves two computer systems. They update, maintain and manipulate GMDOS, which is a meter measurement system. They troubleshoot problems with the

software that runs the provers. Their work on GMODS is performed in the meter shop. They also maintain the Metrotech system by, inter alia, developing software programs that cause the system to produce reports based on a customer's needs. The engineering technicians learn both computer systems by taking classes on software and hardware from vendors. Engineering technicians assist in choosing upgrades for both computer systems and decide whether to purchase new hardware.

The engineering technicians monitor the accuracy of gas meters and work along with senior meter technicians in M1-07-02, who are undisputed production and maintenance employees. They work with a computer program that is used in connection with a device called an EEI Prover, or a device called an 80-M Prover, which are operated by the senior meter technicians in order to test gas meters. When performing that part of their job functions, they work side-by-side with senior meter technicians at work stations away from their office cubicles. When working with larger commercial and industrial meters, the engineering technicians work in a shop area where safety glasses and steel-toed shoes are required. Approximately 40% of their working time is spent in that area.

The engineering technicians also are responsible for a computer-based system that collects data from industrial and commercial customers, which is called the Metrotech System. The Metrotech System sends signals from those customers' facilities to the Employer's Data Control Center at the RBC, and the data collected through that system is used to bill the customers. When performing work with the Metrotech System, the engineering technicians interact with measurement data control technicians in M1-07-02, who are undisputed production and maintenance employees. That interaction occurs on a daily basis. Typically, the measurement data control technicians call the engineering technicians by cellular telephone from the customers' facilities so that data transmission devices can be adjusted based on the engineering technicians' monitoring of the data that is received at the RBC. The engineering technicians spend about 40% of their time working with the Metrotech System. They also prepare daily reports regarding gas usage by commercial and industrial customers from data generated by monitoring devices located at the customers' facilities.

In addition, the engineering technicians work with the computer system that is used to test residential gas meters that are repaired and reconditioned by BGE before being installed at another residence. The engineering technicians received training regarding the GMDOS computer system from BGE's information technology personnel, and from a vendor of some of the computer software they use, called EEI. As for the Metrotech System, the engineering technicians received training in Florida from the vendor. In a typical eight-hour workday, the engineering technicians spend six hours working with the Metrotech system, the GMDOS system, and other computer programs.

The job description states that the basic qualifications for this classification include the successful completion of post-high school courses in mathematics, physical science and/or technical oriented studies and more than six years of experience related to the activities of the job, or the equivalent combination of formal education and training and experience. See Er. Exh. 4, #196A. Contrary to the job description in Employer's Exhibit No. 4, the engineering technicians are not required to take engineering courses. Another basic qualifications of the job includes the demonstrated ability to manipulate mathematic equations, and use engineering drawings and diagrams, and industry codes and standards.

One of the engineering technicians, Donna DiBattista, has held that position since August 1997. Before that, she worked for BGE as a typist-clerk, word processor operator, and gas meter clerk. The other engineering technician, Louis R. Taylor, Jr., obtained his position in May 1999. He previously worked for BGE as a principal I&C gas technician, meter installer, and appliance serviceman, among other positions.

One of the two engineering technicians is the head of the Internal Gas Measurements Safety Committee, which meets about once a week, and which consists of representatives from every unit within M1-07. The engineering technicians attend monthly safety meetings with all of the other employees within M1-07.

I conclude that the engineering technicians in M1-07-04 are technical employees who should be included in the BGE-wide technical unit found appropriate in 5-RC-14908. I note that they work in the Technical and Support Services Unit. Much like the system console operators and systems support technicians in Department 77 in the General Service Division, whom I have included in the BGE-technical unit, the engineering technicians in M1-07-04 must have sophisticated computer knowledge, including familiarity with software packages, and post-high school courses in technical oriented studies and many years of experience related to the activities of the job, or the equivalent combination of formal education/training and experience. Like the system console operators and systems support technicians in Department 77, they have highly specialized computer operations and programming skills and duties that require them to use their independent judgment. Moreover, their job requires significant experience and training. The engineering technicians learn the GMDOS and Metrotech computer systems by taking classes on software and hardware from vendors. Basic qualifications for the job require successful completion of post high school courses in mathematics, physical and/or technical oriented studies and the demonstrated ability to manipulate mathematic equations, and use engineering drawings and diagrams, and industry codes and standards. In addition to their sophisticated and distinct technical skills and functions, I note that there are no production and maintenance employees in this organizational unit. Thus, the engineering technicians do not share supervision with any production personnel. Nor do they perform any physical production and maintenance work or interchange with production and maintenance employees. Like other technical employees throughout BGE, they work flex time in a typical office environment and perform work of a technical nature, utilizing technical skills and specialized computer knowledge. In addition, they receive pay that is comparable to other technical employees. In these circumstances, I find that the engineering technicians are technical employees who should be included in the BGE-wide technical unit found appropriate in 5-RC-14908.

Principal Administrative Assistants, M1-07-04
Senior Administrative Assistant, M1-07-04

There are two principal administrative assistants in M1-07-04 who, like all other employees in M1-07-04, work under Mitchell Solkowitz in pay grade 28. One of the principal administrative assistants, Carolyn Benkowski, works in the office area near the desks of the engineering technicians discussed immediately above, while the second, Tom Hudson, works at the Westport facility in South Baltimore, at 2101 Cloughman Street.

Mr. Hudson works on the OMR off-site meter reading project. He lays out routes for contractors to follow when they change customers' gas and electric meters from direct read meters to those that are read electronically, called ERT meters. In addition, Mr. Hudson performs quality control checks by going to the sites where contractors have changed the meters and examining their work. When performing this quality control function, he uses a device called a Read One Pro, which checks the performance of the automatic meter reading process. If he detects a problem, Mr. Hudson dispatches a repair crew employed by a contractor. Mr. Hudson spends five to six hours on such field work on a typical day. He has received on-the-job training and some training from BGE's vendors. Prior to becoming a principal administrative assistant, Mr. Hudson was a principal I&C technician. He travels to work sites with his privately owned automobile, and is compensated for its use by BGE. Mr. Hudson works from 6:30 a.m. to 3:00 p.m., and frequently works overtime, but is not permitted to work flex-time.

The other principal administrative assistant, Carolyn Benkowski, works at the Rutherford Business Center (RBC). She performs clerical functions in connection with the work management system (WMS) regarding the installation of meters by principal I&C gas technicians and I&C technicians in M1-07-03. She enters data from the hard copy WMS ticket prepared by those technicians into a computer program. That function allows the tracking of the usage data from the meter location to the GMDOS program, which initiates the billing process. In addition, she enters data regarding the materials that are used for the installation of a meter. Furthermore, Ms. Benkowski handles other functions such as ordering specialized equipment for M1-07-02 and M1-07-03 that BGE does not keep in stock. She also takes telephone calls regarding emergency situations encountered by M1-07 or M3 field personnel and relays the information to the nearest meter crew that consists of principal I&C and I&C gas technicians. Ms. Benkowski's work hours are from 6:30 a.m. to 3:00 p.m., and she is permitted to work flex-time, but may not use BGE's "zero-forty schedule." She spends all of her working time in the office area.

The senior administrative assistant in M1-07-04, Pat Cavey, maintains records for BGE's in-service performance (ISP) program. That program involves the removal and testing of meters so that BGE may ensure the accuracy of its gas meters in accordance with a Maryland Public Service Commission requirement that BGE change certain gas meters on a regular basis. Ms. Cavey works at the RBC, near Ms. Benkowski, discussed immediately above. She also fills in for Benkowski, when needed. She works a flex-time schedule, usually beginning after 8:00 a.m., and does not work a "zero-forty schedule." She spends all of her working time in the office area. Ms. Cavey is in pay grade 26, and is supervised by Mitchell Solkowitz.

I conclude that the principal administrative assistant in M1-07-04, Carolyn Benkowski, and the senior administrative assistant in M1-07-04, Pat Cavey, are office clerical employee who should be excluded from any of the units found appropriate herein. They have different skills and functions than production and maintenance or technical employees and perform general clerical work such as entering data, maintaining records and/or ordering office supplies. Benkowski may contact production personnel by phone or pager if there is an emergency leak or repair. Senior administrative assistant Cavey maintains records relating to regulatory requirements that BGE change certain gas meters on a regular basis. She also fills in for Benkowski, when necessary. Both Benkowski and Cavey work in a separate organizational unit, they do not share supervision with any production and maintenance or technical employees, they do not interchange with them, and they spend all of their time in an office environment where they perform clerical functions and can work flex time. In these circumstances, I shall exclude principal administrative assistant in M1-07-04 and the senior administrative assistant in M1-07-04 as office clerical employees, who lack a community of interest with employees in any of the units found appropriate herein. Power, Inc., 311 NLRB at 608; Mitchellace, Inc., 314 NLRB at 536-37; Cook Composites & Polymers Co., 313 NLRB at 1108-09; Avecor, Inc., 309 NLRB at 75; Jackel Motors, 288 NLRB at 742; Container Research Corp., 188 NLRB at 587.

Similarly, I conclude that the other principal administrative assistant in M1-07-04, Tom Hudson, does not share a sufficient community of interest with employees in any of the bargaining units found appropriate herein. The record established that Hudson supports and inspects the work of contractors. He works in an office at the CPSG Westport facility and is assigned to the off-site meter reading project. He lays out routing sheets for the contractors, who perform the meter change outs, and he performs quality control checks in the field. There is no evidence of contact with any BGE employees, let alone with physical production and maintenance employees or technical employees. Accordingly, I find that Tom Hudson, the principal administrative assistant in M1-07-04, is excluded from any of the units found appropriate herein as he does not share a sufficient community of interest with unit employees to warrant his inclusion in any of the bargaining units found appropriate herein. See e.g. St. Francis Hospital, 223 NLRB 1451, 54-55 (1976) (employee who dealt solely with outside construction contractors, lacked a

sufficient community of interest with employees in maintenance and repair unit sought); see also Atlanta Gas Light Co., 155 NLRB 311 (1966) and Browne and Buford Engineers and Surveyors, 145 NLRB 765, 767 (1963) (contractor inspectors excluded from physical units).

**GAS PLANNING AND ENGINEERING DEPARTMENT– M2-00-01 –
Manager, S. Edward Hargest**

Department M2 is responsible for the design and engineering work on gas-only projects. The Petitioner does not seek to include any employees that work in this department in the BGE-wide production and maintenance unit. BGE would include the classifications discussed below in either the BGE-wide production and maintenance unit, or alternatively, in the BGE-wide technical unit, if found appropriate.

The parties stipulated to the following three paragraphs. The following units within the Gas System Engineering & Design Section (M2-05) were reorganized in May. The principal changes include the redistribution of work done in the former New Business Gas Design Unit (M2-05-02) and in Gas Project Design Unit (M2-05-05) to form the new units; Gas Design Unit – East (M2-05-05) and Gas Design Unit – West (M2-05-02). Each of these units will assume residential and industrial & commercial (I&C) design responsibilities for both growth and non-growth gas-only work within [BGE's] service territory. This enables the organization to take advantage of design project synergies, facilitate better coordination with permitting agencies, provide greater flexibility in assigning work, and will help maintain a trained design force in all types of gas projects.

The reorganization of these units impacts the following positions:

- ❑ The total complement of ASSISTANT GAS DISTRIBUTION DESIGNER (050A) has been increased from five (5) to six (6), with three in each design unit.
- ❑ The complement of twelve (12) GAS DISTRIBUTION DESIGNER (240A) has been distributed with six in each design unit.
- ❑ An additional PROJECT DESIGN COORDINATOR position (621A) has been created; with one in each design unit.

As part of this restructuring, the former Gas Maps & Records Unit (M2-05-04) has been renamed the Gas Data & Design Support Unit. This change is consistent with the initiatives in place (including ATLAS) to computerize the mapping of the BGE distribution systems. The two PRINCIPAL ADMINISTRATIVE ASSISTANTS from the former design units have been transferred to Gas Data & Design Support to coordinate the administrative support for design projects out of this unit.

**Gas Business Development Section - M2-03-01 -
General Supervisor, Darlene A. Buchholz
Industrial and Commercial Gas Business Development
Unit - M2-03-05 - Director, Steven E. Bartenfelder**

The Industrial and Commercial Gas Business Development Unit M2-03-05 is responsible for sales with respect to all new construction and conversion gas sales. The Unit also processes customer-driven modifications to the gas distribution system, and customer requests for load increases, meter installations and removals, and service delivery pressure modifications. The Unit's office is on the second floor of the OSF Building at Spring Gardens, a typical office environment. This Unit was created in March 1998, with three sales personnel and a principal administrative assistant. In April 1999 six salespersons, the gas field technician, and a senior administrative assistant were added. There are two positions in dispute in this unit: gas field technician and senior administrative assistant.

Gas Field Technician -- M2-03-05

Both parties agree that this position is a technical employee classification. The gas field technician in M2-03-05, Gregg Kroeger, is in pay grade 29. He is responsible for customer-driven requests that do not require construction work. He also serves as a support resource for the sales staff within the Unit. The gas field technician spends more than 90 percent of his time in the office. He shares a double cubicle with the principal administrative assistant, about 12 feet from the space used by the sales employees. He spends about five percent of his time working with the sales employees

One type of customer-driven request is an increased load request by a customer who is increasing the amount of equipment that uses gas. Upon receipt of such an inquiry from a customer, the gas field technician examines BGE's computer or paper records to determine the type of service the customer has been receiving. He then determines whether changes are needed. To make that determination, the gas field technician uses the Meter Order Processing System (MOPS) to see what the customer has in place at its facility. MOPS shows the history of the meter regulator assembly. The gas field technician also reviews the customer's records in the Customer Information System (CIS) and the Capital Equipment System (CES), which shows service records, service size, and service length. The gas field technician then checks the distribution standards to determine whether the equipment in place is sufficient for the customer's request for an increase in gas use. He also consults frequently with various individuals in other departments regarding planned changes. They include the gas measurement specialist, who is a work leader in M1-07-03; and the meter engineering technician in M2-05-03. If he determines that changes are needed, the gas field technician turns over the request to a sales employee.

Another type of customer-driven request is for a decrease in load, although such requests are less frequent than those for load increases. In such instances, the gas field technician reviews BGE's design standards and meter handbooks to determine whether changes are needed. If so, he issues an advanced meter order (AMO), which is a form also used for increases. The AMO is forwarded to the Gas Service or Gas Measurement sections for the execution of the work.

A third type of project on which the gas field technician works is the removal of meters or service lines. Such requests are forwarded by sales personnel or customers when a customer wishes to raze a building or remove a meter or service line during a construction project. The gas field technician then issues or updates an AMO and issues a "meter remove order."

In addition, the gas field technician works on requests to set a meter. Such a situation arises when the customer's facility has sufficient meters and service lines for future needs. When a new use of gas is about to begin, the customer or sales personnel contact the gas field technician, who issues a "set order" in the Work Management System and an AMO.

The gas field technician also handles requests for pressure changes. For example, if a customer replaces a piece of equipment with a more modern or efficient piece of equipment, the new device frequently requires higher gas pressure. The gas field technician researches BGE's design standards and meter handbooks to determine whether the customer's extant equipment can handle the change in pressure. If so, the gas field technician issues an AMO, and personnel from Gas Measurement go to the site to make the needed changes. If the requested increase in pressure is not possible with the existing equipment, the gas field technician notifies Gas Measurement.

The above-described duties consume about eighty percent of the gas field technician's time. The remaining twenty percent of Kroeger's time is spent providing technical support to the monthly-paid sales

force. For example, a sales executive may ask Kroeger to determine how an increase in pressure will affect the customer's bill. Kroeger will then consult gas distribution maps, gas plates, electronic secondaries, and various computerized mapping systems.

About once or twice a week, the gas field technician speaks to a construction technician in M3-09-04 regarding expected completion dates for construction projects so that such information can be conveyed to a customer. He also has contact with meter engineering technicians, gas measurement specialists, dispatch supervisors, the new business gas design work leader, and customer service board employees in the Retail Services Division in L3-07-01. Occasionally, about once or twice per month, the gas field technician visits work sites to compare construction plans with the actual conditions at the site.

The gas field technician also prepares job packages, which contain the background information used to perform the investigation of a potential job. That background data is used to generate orders for the MOPS system, and it is entered into the WMS system.

The current gas field technician transferred to this unit in April 1999. Prior to that transfer, he was an energy services technician in the marketing and energy services department, where his duties were similar to those described above. He attends training sessions organized by gas design or gas standards and engineering. This training concerns system standards changes. Gas designers and all personnel from M2-03-05 also attend those sessions, which are held at the OSF Building. The applicable job description states that the gas field technician's minimum requirements include demonstrated knowledge of algebra, trigonometry, and mechanical drawing, with over four years of job-related work experience, including experience in the design, construction, and operation of gas distribution systems, or the equivalent combination of formal education and training and experience; and demonstrated ability to operate a computer terminal to access various systems and retrieve and disburse information. Er. Exh. 4, #173D. His current duties are similar to those that he performed as an energy services technician in L2, when he held that position in 1998, although that former position included electric as well as gas duties. I note that I have included the energy services technician in the Key Accounts Technical Services Unit L2-00-07 in the BGE-wide technical unit found appropriate in 5-RC-14908.

I conclude that the gas field technician in M2-03-05 is a technical employee who should be included in the BGE-wide technical unit found appropriate in 5-RC-14908. He has specialized and technical skills and functions that require him to use his independent judgment. Eighty percent of his time is spent researching how changes can be made to the distribution system to accommodate customer requests. He regularly consults various resources including the Meter Operating System, the Capital Equipment System, the Gas Distribution Standards, and metering handbooks. Based on his research, he decides whether the customer's service line must be upgraded or what must be done in order for the system to satisfy the customer's request. A minimum requirement for the job is a demonstrated knowledge of algebra, trigonometry, and mechanical drawing with over four years job related work experience, including experience in the design, construction, and operation of gas distribution systems; or the equivalent combination of formal education/training and experience. His skills, duties, and education are very different from those of production personnel. He performs no production work, has supervision separate from construction personnel at the unit, section, and department levels, and does not interchange with production and maintenance employees. Like other technical employees throughout BGE, he spends most of his time in an office environment doing research on computer systems. Like other technical employees throughout BGE, his job requires significant experience and specialized training. Like technical employees in the ETDD, he researches BGE's design standards and technical handbooks to determine whether a customer's extant equipment can handle changes in load or pressure. Both parties agree that the gas field technician is a technical employee. See Er. Exh. 427 and Pet. Exh. 162. In these

circumstances, I shall include the gas field technician in M2-03-05 in the BGE-wide technical unit found appropriate in 5-RC-14908.

Senior Administrative Assistant -- M2-03-05

The primary responsibility of the senior administrative assistant in M2-03-05 is to enter data into the Work Management System (WMS). In addition, she performs support tasks for the sales employees and administrative activities for Unit Director Bartenfelder, such as generating reports from WMS. She also answers phones in the Unit. If problems arise regarding data in the computer systems, she contacts designers, and gas measurement specialists (who are work leaders) in New Business Gas Design. Examples of such problems include data that was improperly entered into the computer system and that incorrectly indicates when a project can move forward from one stage to another. When the Unit initiates a job, it is referred to as being in cost status. At that stage, the senior administrative assistant enters data into the WMS system. This data is used by the gas design group to generate a capital cost estimate. If the customer accepts the proposal, the sales representative informs the senior administrative assistant, who then enters data transferring the job from cost status to go status. She also enters data into the MOPS system for the generation of AMOs. The senior administrative assistant spends over 95 percent of her time in the Unit's office area, and over 50 percent of her time working with her computer. She may work flex time, but must be in the office between 8:00 a.m. and 3:30 p.m.

I conclude that the senior administrative assistant in M2-03-05 is an office clerical employee who should be excluded from all of the units found appropriate herein. She has different skills and functions than production and maintenance or technical employees and spends all of her time in an office environment where she performs clerical functions. She primarily performs data entry work. She obtains work orders from the gas field technician and monthly-paid staff and enters this information into the computer system. The senior administrative assistant does not share supervision with any production and maintenance or technical employees and does not interchange with them. In these circumstances, I conclude that the senior administrative assistant is an office clerical employee who should be excluded from all of the units found appropriate herein. Power, Inc., 311 NLRB 599, 608, affirmed, 240 F.3d 409 (D.C. Cir. 1994); Mitchellace, Inc., 314 NLRB 536, 536-37 (1994), enforced, 90 F.3d 1150 (6th Cir. 1996); Cook Composites & Polymers Co., 313 NLRB 1105, 1108-09 (1994); Avecor, Inc., 309 NLRB 73, 75 (1992); Jackel Motors, 288 NLRB 730, 742 (1988); Container Research Corp., 188 NLRB 586, 587 (1971).

Gas Systems Engineering and Design Section – M2-05-01 – Director, Michael A. Pometto

Gas Design-West Unit M2-05-02 (Formerly New Business Gas Design Unit – M2-05-02 --Supervisor, William E. Doherty)

This Unit is responsible for the design and permitting issues associated with the expansion of the gas distribution system. That work involves installing new gas pipes to provide gas service to customers who were not previously able to receive it. The employees in this organizational unit have offices at Spring Gardens in a trailer, near trailers that are used by M2-05-05 and M2-05-03. They use the common areas in the OSF Building. These employees are the only personnel in that particular trailer, with the exception of the principal administrative assistant from M2-05-05, who also works there. When working in the field at a construction site, as described below, the employees in this Unit wear typical construction clothing, and when working in the office trailer or visiting customers, they wear business casual clothing. All weekly employees in this Unit may work a flex time schedule. In 1996, this Unit was referred to as 58-06-02.

Gas Distribution Designers – M2-05-02
Assistant Gas Distribution Designers– M2-05-02

After the close of the hearing, the parties stipulated to the following paragraph concerning M2-05-05 that affects the complement in M2-05-02:

There are now three ASSISTANT GAS DISTRIBUTION DESIGNERS (050A) – one new position, and two who transferred from M2-05-02. This job has the same duties as testified under M2-05-02. The previous complement of five (5) GAS DISTRIBUTION DESIGNERS has been increased to six (6) – one transferred from M2-05-02.

The transferees are discussed infra in M2-05-05.

The three gas distribution designers remaining in M2-05-02 are in pay grade 30. They are supervised by William E. Doherty. The Petitioner asserts that they are technical employees. BGE would include them in the BGE-wide production and maintenance unit, and alternatively, in a BGE-wide technical unit, if found appropriate. BGE asserts that significant similarities exist between the gas distribution designers and the service planners in the ETDD.

The gas distribution designers' work differs slightly from that of gas distribution designers in M2-05-05 in that they design approach mains for residential and commercial projects and conversion community mains. They also work on commercial, industrial and commercial private relocations such as mall expansions. In addition, they work on all of BGE's I&C gas-only service design and permitting. The gas distribution designers in this Unit also perform all of the capital cost estimating associated with any new growth gas installation, regardless of whether it will be built by the Gas Division or designed and built by ETDD and New Business Construction in Department 39.

The gas distribution designers work with Microstation software, and use reference manuals such as Distribution Design Engineering Standards, Gas Distribution Metering Standards, Gas Distribution Design Standards, gas detail plates, manuals associated with utility and environmental permits, and microfiche (or "aperture cards") records showing existing electrical lines. The latter records can be accessed through a device called an aperture card reader, which also prints drawings of the electrical lines. Employees from M2-05-05 and from Construction, such as underground crew leaders, chief underground mechanics, and construction technicians, also frequently use that machine. Also, underground crew leaders and chief underground mechanics speak to gas distribution designers in the trailer used by M2-05-02 regarding projects they have helped to design.

The gas distribution designers obtain information from M2-03-03 and M2-03-05 concerning development or expansion of BGE's gas system. That information consists of a capital cost package, including a WMS cover sheet with the customer's name, location, required amount of gas service load, and delivery pressure. The gas distribution designer to whom a particular project is assigned then meets with the customer or the customer's contractor at the work site. They review the site and its conditions, such as obstructions, including lighting, water lines, sewer lines, and underground obstructions. During such a visit, the gas distribution designer makes a sketch of the site by hand, which is later referred to when he or she makes a capital cost estimate using the WMS computer software. The capital cost estimate shows the costs of labor, materials, equipment, vehicles, and meter costs. At the same time, the gas distribution designer selects a meter location. He or she also determines the types of materials that are necessary for the job and the construction method that will be used to install the pipe, that is, whether the installation will be by directional bore, trench, or another method. The determination of the construction method requires some exercise of judgment, but the selection of the materials does not. The

capital cost estimate is then forwarded to a gas sales executive or a senior account executive or an account executive in M2-03-05, who then tries to sell the work to the customer.

If the customer agrees with the proposal, the gas distribution designer in M2-05-02 identifies the permits that will be necessary for the project in consultation with Donna Mathieu, the permission specialist in 37-05-0A, whom I have included in the BGE-wide technical unit found appropriate herein. Ms. Mathieu works in the same office trailer as the M2-05-02 employees, and her time is charged to the Gas Division pursuant to a service level agreement. At that point, the gas distribution designer uses specialized maps and CADD software to prepare a base map of the project. Subsequently, he or she plots the path of the gas line, taking into account all surface and underground obstructions and the distribution standards. During this stage of the gas distribution designer's work, he or she may visit the site several times to examine possible obstructions. He or she uses surveying equipment at this stage, if necessary. One of the current gas distribution designers in this Unit is a licensed surveyor. The gas distribution designer then prepares an advanced print. The materials specified by the gas distribution designer in the advanced print must come from Gas Distribution Engineering Standards. The gas distribution designer must create a design that conforms to BGE's standards with respect to the depth at which the pipe will be installed. One aspect of the drawing, which is within the discretion of the gas distribution designer, would be his ability to pick the most economical way to install the pipe. However, the various options from which the gas distribution designer selects must be included within BGE's standards. Just as the service planners in ETDD make various selections depending upon line loading and capacity, the gas distribution designer would make various selections depending upon the capacity of the pipe being used and the delivery pressures associated with this system.

The advanced print is then approved by the principal design technician in M2-05-02 and, if necessary, by personnel responsible for corrosion and right-of-way checks. The advanced print is then forwarded to Construction, where a decision is made to perform the work in-house or to contract it out.

If questions about the design arise after the advanced print is forwarded to Construction, construction technicians in M3-09-04 communicate with the gas distribution designer about them. Occasionally, the gas distribution designer travels to the site to help resolve such questions. If he or she does not reach an agreement with the Construction personnel regarding such questions, the matter usually is resolved by the principal design technician or Unit supervisor. The gas distribution designers do not typically specify any sequence for the construction work with this type of an installation, although the advanced print specifies certain tests that must be performed on the line. After the permits are obtained, they are packaged with the advanced prints by the principal administrative assistant in former M2-05-02, and sent to Construction about four to six weeks before the scheduled release date.

After Construction personnel begin their work, the gas distribution designer tracks the costs of the job until it is complete. If the ongoing costs appear to be exceeding the estimates, the gas distribution designer will meet with the underground crew leader or, if necessary the supervisor, to determine why the estimates are not being met. The process of tracking the costs is done by the gas distribution designer by using the WMS computer system. Typically, the gas distribution designer visits job sites only once or twice per month in connection with tracking the costs of the 10 or 12 jobs for which he or she is responsible for at the construction stage. After a job is completed, the gas distribution designer may meet with underground crew leaders, supervisors from Gas Construction, and Mr. Doherty to discuss differences between the estimates and the actual costs. The gas distribution designers also meet once a month with underground crew leaders, underground mechanics, construction technicians, and the project design coordinator to discuss issues concerning the way that WMS works with respect to pre-construction estimates. Those meetings can result in changes to the WMS program which are intended to make estimates more accurate.

In addition to the above-described duties concerning new business, since November 1999, the gas distribution designers in M2-05-02 have been responsible for capital cost estimates for all other gas jobs, that is, jobs involving gas and electrical installations, referred to sometimes as combination jobs. Combination jobs are generated by New Business Construction at Dorsey and Strategic Engineering at Front Street, both of which are in the ETDD. This work does not include estimates for the electrical portions of those jobs. These newer duties are performed at the employees' desks, using the WMS system, with occasional visits to future construction sites. About half of the projects in this category required field visits by the time of the hearing. Those visits are done with assistant service planners from the ETDD, whom I have included in the BGE-wide technical unit. When performing these functions, the gas distribution designers communicate with personnel in 39-00-02 and 39-01-01, -03, -04, and -05. Approximately 20 percent of the gas distribution designers' time is spent on such work.

The gas distribution designers have received training regarding the WMS computer system in classroom settings. The classes are held each time an upgrade is introduced. Those classes have been conducted every year since the system was introduced in 1996. Other personnel attending those classes with the gas distribution designers in M2-05-02 have included assistant gas service planners, as well as service planners, and distribution designers from the ETDD, whom I have included in the BGE-wide technical unit. Those classes have averaged four to eight hours in length.

There are no post-high school educational requirements for the gas distribution designer job in M2-05-02. BGE prefers to select individuals for this position who have a minimum of eight years of experience in the Gas Distribution System, knowledge of drafting, and knowledge of CADD. The most recent gas distribution designer positions in this Unit were filled by one underground gas construction crew leader and two underground gas mechanics. When employees are placed in the gas distribution designer job, they are given a five-day training course in CADD through a separate training company. Other necessary skills are learned on the job. The job description for the gas distribution designer job in Employer's Exhibit No. 4, Job No. 240A, states that the basic qualifications for the position include more than eight years of work-related experience, including at least four years of experience in the design and drafting of gas distribution systems, or the equivalent combination of formal education and training and experience; the demonstrated ability to make mathematical calculations; and the ability to operate computerized systems such as personal computers and/or computer aided design and drafting systems.

The three remaining assistant gas distribution designers in M2-05-02 are in pay grade 29. They design less complicated work and smaller jobs than the gas distribution designers in the same unit, and they design a greater number of jobs. The Petitioner claims that the assistant gas distribution designers are also technical employees.

The assistant gas distribution designers are in the same work group as the gas distribution designers in this Unit. Most of the projects on which they work are residential. The assistant gas distribution designers have greater customer contact than the gas distribution designers. They meet with the customers on almost every job, present the customers with contracts, generate estimates, and have the ability to offer financing to customers. They spend about 60 percent of their time in the field, although they do not use surveying equipment to the same extent as the gas distribution designers. The assistant gas distribution designers place stakes in the ground to show customers and other servicemen, such as plumbers, where the planned gas service line will be installed.

The assistant gas distribution designers receive their projects from the Residential Gas Business Development Unit in the Gas Planning and Engineering Department M2-03-03, and from the Gas Maintenance and Repair Department M3-04-01, and from Units therein, that is, M3-04-04 through -09.

In addition, they receive jobs from M3-05-06. Their projects include new residential services for customers who have not had gas service in the past. They also perform design and permitting functions for customers who wish to increase their gas loads, and for jobs that come from the Units referred to above in this paragraph. Furthermore, the assistant gas distribution designers perform design and permitting functions to update services that were installed before 1958, in response to requests from the Customer Call Center L3-07-01, and from L3-07-04 through -08 in the Retail Services Division. These employees receive their work through their computers via a Y-14 or an IY-14. In order to perform their jobs, the assistant gas distribution designers produce prints similar to those produced by the gas distribution designers, but the prints produced by the assistant gas distribution designers are smaller because of the smaller size of the jobs on which they work. Unlike the jobs performed by the gas distribution designers, the jobs performed by the assistant gas distribution designers are not tracked with respect to costs. About once a day, the assistant gas distribution designers are called by underground crew leaders regarding variances from their designs that have become necessary, either with respect to the placement of a line or with respect to variances from BGE's Gas Distribution Engineering Standards. The assistant gas distribution designers do not have the authority to approve of variances from BGE's Standards.

Most of the assistant gas distribution designers studied drafting in high school, worked in the Maps and Records Department, and worked in the Electric Transmission and Distribution Division or Gas Distribution Division. In the past, the position was referred to as assistant service planners, and most of the current assistant gas distribution designers worked as assistant service planners before the job title was changed. They attend classes offered by a training company as well as community college courses set up specifically for the employees in order to learn CADD. As for their design work, they learn through on-the-job training. The applicable job description requires more than four years of job-related work experience, including experience in the operation and construction of gas distribution systems, or the equivalent combination of formal education/training and experience; and demonstrated knowledge of algebra, trigonometry, and mechanical drawing. See Er. Exh. 4, #050A.

I conclude that the gas distribution designers and assistant gas distribution designers in M2-05-02, much like the service planners in Department 39 in the ETDD, are technical employees who should be included in the BGE-wide technical unit found appropriate herein. They have specialized skills and job duties that require independent judgment. Gas designers use their judgment to determine the most economical and safest method to design the job.

As noted above, the Petitioner has proposed that service planners vote in a technical unit limited to ETDD and that gas distribution designers be ineligible to vote in any present unit. As explained above, I have concluded that a technical unit limited to the ETDD is inappropriate because it improperly fragments and divides technical employees in BGE who perform the same or similar work under similar working conditions. The comparison between the gas distribution designer and service planner is an example of that improper fragmentation. As noted, significant similarities exist between the gas distribution designers and the service planners in the ETDD. Like the distribution designers and service planner in the ETDD, the gas designers gather information in the field, use computers to layout complex designs, and determine the method of construction and the materials needed for the project. Just as the service planners in ETDD make various selections depending upon line loading and capacity, the gas distribution designers make various selections depending upon the capacity of the pipe being used and the delivery pressures associated with this system. Both classifications perform work of a technical nature, requiring them to convert engineering specifications into an actual plan for performing construction work. They are essentially designers who create detailed drawings for providing, increasing or relocating service for large industrial and commercial customers. Using primary and secondary maps, the specifications provided by the engineers and work group leaders, construction standards manuals, and a designer

handbook, they use CADD to prepare a pictorial representation of the job, showing the electrical and/or gas facilities to be installed. Employer Exhibit 439 is an example of a gas distribution designer's CADD drawing that depicts the technical nature of the work they perform. They have received CADD training and use the CADD system and drafting instruments and aids. They select and apply the appropriate construction standards, map the most efficient system for providing the service required, and utilize WMS to select the most appropriate facilities for the particular job. Their functions require the exercise of independent judgment acquired through experience and training. Moreover, the design functions they perform are similar to those performed by the project design coordinators in 39-01-07, whom the parties have stipulated to be technical employees included in 5-RC-14908. Thus, the gas designers perform technical functions and utilize design and drafting skills that are distinct from the functions and skills of production and maintenance employees. In addition to their distinct job skills, the gas designers are located in a group of trailers with other gas designers, engineers and technical employees, and do not share supervision with or have any appreciable contact with construction field personnel. They work under completely different working conditions from production and maintenance employees, using CADD, much like the other design personnel found to be technical employees throughout BGE. They share no common supervision with production and maintenance employees and their contact with them is basically limited to collecting information to assist with the preparation of designs. Cf. Capital Temptrol Corp., 243 NLRB 575, 585-86 (draftsmen lack community of interest with production and maintenance employees); Container Research Corp., 188 NLRB at 588 (same); see also, Weldun Int'l, Inc., 321 NLRB 733, 735 (1996); Power Inc., 311 NLRB 599, 608 (1993), *enfd*, 40 F.3d 409 (D.C. Cir. 1994); Penn Color, Inc., 249 NLRB 1117, 1120 n. 13 (1980); Maryland Cup Corp., 171 NLRB 367, 369 (1968). They are paid comparably to other technical employees throughout BGE. In these circumstances, I conclude that the gas distribution designers and assistant gas distribution designers in M2-05-02 are technical employees and they should be included in the BGE-wide technical unit in 5-RC-14908 with other technical classifications in the ETDD and throughout BGE, who perform similar technical work under similar working conditions for the same pay.

Project Design Coordinator – M2-05-02

The parties stipulated to the following paragraph:

A PROJECT DESIGN COORDINATOR (621A), GEORGE T. MEYERS, JR., was added to this unit. This job has the same duties as the PROJECT DESIGN COORDINATOR in Unit M2-05-05, and as was presented in the unit determination hearing.

For the reasons set forth below when discussing the project design coordinator in M2-05-05, I conclude that the project design coordinator in M2-05-02 shares a sufficient community of interest with other technical employees throughout BGE, including the project design coordinator in M2-05-05, and I shall include this classification in the BGE-wide technical unit found appropriate herein.

Principal Administrative Assistant (formerly M2-05-02)

The parties stipulated that this classification was transferred to M2-05-04, discussed below.

**Gas Standards and Engineering Unit – M2-05-03 –
Supervisor Steven J. Troch**

The Gas Standards and Engineering Unit provides engineering services for the Gas Distribution Division. Its employees develop and maintain standards and handle all regulatory compliance issues with the Public Service Commission. The Unit provides training regarding procedures and equipment, and

operates a materials procurement program. In addition, this Unit is responsible for the maintenance of computer support systems, WMS, and computer aided drafting systems. It provides research and development services for the Gas Distribution Division, as well. The Unit's offices are at the Spring Gardens facility, in a trailer. All employees in the Unit work five days per week, and may work a flex-time schedule. None of the Gas Standards and Engineering Unit positions discussed below require a degree or post-high school education.

There are five weekly positions in dispute in M2-05-03. They are project design coordinator, technical specialist-gas, materials specialist, meter engineering technician, and junior engineering technician. The Petitioner contends that each of the disputed positions is a technical position. Pet. Exh 162. The Petitioner further contends that none of the positions should vote in any of the units petitioned for. BGE agrees that each of the disputed classifications, with the exception of the junior engineering technician, are technical employees, but further contends that they all share a sufficient community of interest with undisputed production and maintenance employees to warrant their inclusion in the same voting unit. Alternatively, BGE would include the employees that it agrees are technical employees in a BGE-wide technical unit, if found appropriate.

Project Design Coordinator – M2-05-03

As noted, the parties agree that the project design coordinator is a technical employee. The project design coordinator, Deborah Krebs, is in pay grade 31. Like all employees in this Unit, she is supervised by Steven J. Troch. She reviews and directs the gas design activities within the Electrical Transmission and Distribution Division's Design and Engineering Section 39-01-01, which is located at Dorsey, Maryland. When performing those duties, she works at a desk among service planners and assistant service planners in that Section, whom I have included in the BGE-wide technical unit in 5-RC-14908. She instructs them, reviews their designs for accuracy and works with control requirements, standards, compliance and testing requirements. She has regular interaction with the service planners and assistant service planners within 39-01-02 through 05. Her duties, when working at Dorsey, include instructing designers with respect to drawings and designs for construction projects that include both gas and electric service. That training function includes formal sessions with service planners and distribution designers within Department 39. During her review of the designs produced by the service planners, she will comment on the designs and make changes and corrections. She works with them during the entire process because she is physically on site and typically will visit their work stations. She does not, however, perform any design work herself. Furthermore, she ensures that construction plans are adequate with respect to corrosion control requirements, standards compliance, and test pressures. Construction of projects that include both gas and electric service may not commence without her approval, thus requiring her exercise of independent discretion and judgment. She has frequent face-to-face contact with the service planners in Department 39 in connection with these duties. Once a construction project has commenced, changes to the gas portions of the plans cannot be made without her approval. That process involves communication between the project design coordinator and senior construction inspectors in Department 39, as well as occasional visits to the construction sites by the project design coordinator.

The project design coordinator also instructs the service planners on new procedures, interpretation of the standards, and CADD issues related to design symbology. The project design coordinator must be thoroughly familiar with BGE's gas distribution standards because she is the last approval authority for the designs before they are built in the field. The project design coordinator provides instruction to ETDD technical employees such as service planners and also to gas distribution designers and assistant gas distribution designers with regard to the CADD system, the WMS system, and proper design protocol. The project design coordinator learned the CADD system through training both

in-house and outside BGE. She also is responsible for analyzing and evaluating updates to software to determine the impact on the design protocols and standards. She then formats that information and communicates the changes to the service planners in 39-01-01 as well as the gas distribution designers and assistant gas distribution designers.

In addition, this employee maintains and administers the work management system (WMS) insofar as it relates to the Gas Distribution Division. The project design coordinator is also responsible to train the gas distribution designers, the assistant gas distribution designers and the ETDD service planners concerning WMS. She maintains CADD symbols and communicates any changes to CADD software to designers and service planners. In addition, she maintains designer specifications on WMS and any change to materials must be approved by her before it can be published on WMS. She also administers computer aided drafting support activities.

The project design coordinator works at the Dorsey facility three days per week, and at the Spring Gardens location the remainder of her time. She spends a significant amount of her time working independently checking prints for compliance with the gas standards. When checking the prints, the project design coordinator exercises considerable independent judgment and relies on a base of technical knowledge concerning BGE requirements. When working at Spring Gardens, she interacts with designers and assistant designers in the Gas Distribution Division, as well as the other employees in M2-05-03. Occasionally, she interacts with underground crew leaders or the chief underground mechanic employed in M3-08-01 of the Gas Distribution Division regarding construction questions. The applicable job description states that the basic qualifications for the position include more than eight years of experience, including at least four years of experience in the design and drafting of gas distribution systems, or the equivalent combination of formal education, training and experience. In addition, this classification must have the demonstrated ability to make mathematical calculations, to make detailed field surveys, to apply standards necessary to determine design requirements, to prepare technical reports, and other job-related abilities. See Er. Exh. 4, #621A.

I conclude that the project design coordinator in M2-05-03 is a technical employee who should be included in the BGE-wide technical unit found appropriate in 5-RC-14908. As noted, the project design coordinator is responsible for reviewing and directing gas design activities for the New Business and Distribution construction unit of the ETDD division at the Dorsey Service Center. She reviews the gas portion of any designs, or other paperwork, drafted by the service planners from 39-01-01, whom I have included in the BGE-wide technical unit. She is also responsible for the maintenance and administration of the WMS System for the Gas Distribution Division and for administration of CADD support activities. The project design coordinator provides technical instruction with regard to the CADD system, the WMS system, and proper design protocol to ETDD technical employees, such as service planners, and also to technical employees in the GDD, such as gas distribution designers and assistant gas distribution designers. She has regular and substantial interaction with these technical employees. As noted, a basic qualification for the project design coordinator classification is a demonstrated ability to prepare complex designs and finished drawings, to make mathematical calculations and to prepare technical reports. Both parties agree that the project design coordinator is a technical employee. See Er. Exh. 427 and Pet. Exh. 162. Her skills, duties, educational requirements, and working conditions are very similar to other technical design personnel included in the BGE-wide technical unit and very different from those of physical production and maintenance employees. She does not share immediate supervision with any field/construction personnel. She spends most of her time working independently checking complex designs to see if they meet complex standards. She is paid the same as project design coordinators in the ETDD, who are included in the BGE-wide technical unit, and she receives the same benefits as other technical employees throughout BGE. In these circumstances, I conclude that the project design

coordinator in M2-05-03 is a technical employee who should be included in the BGE-wide technical unit found appropriate in 5-RC-14908.

Technical Specialist – Gas, M2-05-03

The parties agree that the technical specialists - gas are technical employees. See Er. Exh. 427 and Pet. Exh. 162. The three employees classified as technical specialist - gas work in the Spring Gardens complex in the same trailer office area used by the other employees in M2-05-03 and they share common facilities. They are in pay grade 30 and supervised by Mr. Troch.

These three employees are responsible for equipment and tools, regulatory compliance issues, and reporting and system analysis. With respect to equipment and tools, they analyze new equipment and materials being considered by BGE for use in the field, and they assist field crews with problems that arise regarding existing equipment and tools. In so doing, these employees go to field locations and observe and instruct the field crews regarding new products. They instruct field personnel and contractors regarding changes to tools and equipment. That training occurs in a variety of locations, including BGE's assembly rooms and contractors' facilities. When considering new tools, the technical specialist - gas employees attempt to determine whether the new tool will perform the required task, whether it will meet regulatory codes, and how it will affect the existing systems on which it will be used. They test new tools and equipment in a laboratory and in the field with Gas Distribution Division employees in Department 39, and they communicate with Public Service Commission representatives to gain approval. In that regard, they interact with gas maintenance and repair employees, corrosion control employees, leak surveyors, and gas mechanics, generally within M1-03-01 and M1-03-05. In addition, the technical specialist - gas employees coordinate with crew leaders and chief underground mechanics in the Gas Construction Section to select locations for trial installations as part of the testing procedure. When new tools and equipment are selected, these employees are responsible for communicating the new standards to the employees who will be using them and for ensuring that BGE obtains and maintains a sufficient stock of the new materials. They also communicate with senior construction inspectors in BGE's Electric Transmission and Distribution Division when the changes affect construction sites involving gas and electric service. The technical specialist - gas employees analyze the performance of BGE's gas system by investigating leaks, flow rates, performance, and oil pressures. In so doing, they analyze system records and field reports to determine whether it would be prudent, from economic and safety perspectives, to replace parts of the system. Another area of responsibility for the technical specialist - gas employees is reporting to state and federal regulatory agencies, as well as preparing internal reports.

They travel to field locations in a full-size van equipped in the same manner as vans used by field crews. One van is shared by the three technical specialist - gas employees. When working in the field, they follow the same safety procedures and use the same safety equipment as field personnel. Some technical specialist - gas employees have a work history as field construction employees, including one of the three incumbents. Another current employee in this classification was a distribution designer in the past, while the third used to work in BGE's drafting, maps, and records area. These employees also maintain an awareness of new products being developed in the industry. The applicable job description states that the basic qualifications for the position include the satisfactory completion of post-high school courses in engineering, the physical sciences, and mathematics, and more than eight years of related work experience, including at least four years of experience in the engineering and design function, maintenance or construction of gas distribution systems, or the equivalent combination of formal education and training and experience. See Er. Exh. 4, #107A.

I conclude that the technical specialists-gas in M2-05-03 are technical employees and should be included in the BGE-wide technical unit found appropriate in 5-RC-14909. As noted, they must have

coursework in engineering, the physical sciences, and mathematics, and more than eight years of related work experience, including at least four years of experience in the engineering and design function, maintenance or construction of gas distribution systems, or the equivalent combination of formal education, training and experience. They spend about forty percent of their time analyzing tools and equipment or monitoring the development of new products or performing lab tests. They spend about a third of their time deciding whether parts should be replaced. They base their judgments on the analysis of regulatory requirements and historical records and the input they receive from construction personnel. Finally, they spend about another third of their time filing technical reports with management and regulatory agencies. They perform different work and have different skills, education and training than production and maintenance employees. They do not share supervision with or interchange with production personnel and there is no evidence that they do any physical work. Like other technical employees throughout BGE, they work in a unit with engineers and other technicians, share unit supervision with other technical employees, and are paid comparably to other technical employees. Moreover, as noted, both parties agree that the technical specialists - gas are technical employees. In these circumstances, I conclude that the technical specialists-gas in M2-05-03 are technical employees who should be included in the BGE-wide technical unit found appropriate in 5-RC-14908.

Materials Specialists – M2-05-03

Both parties agree that the material specialists in M2-05-03 are technical employees. The two materials specialists in the Gas Standards and Engineering Unit spend most of their time in the same trailers at Spring Gardens as the other employees in that Unit. They use the same common areas as those other employees. Mr. Troch supervises the materials specialists, who are in pay grade 30.

The material specialists are responsible for ensuring that all materials used in BGE's gas system are adequate, that they meet all applicable codes, and that they perform as expected. They manage the BGE's procurement program with respect to those materials. The materials specialists document all materials used to ensure that it is in compliance with the code. If a code standard changes, the materials specialist is responsible for ensuring that the standards within BGE change and that any necessary change is made to existing material. They make changes to WMS and the changes are communicated through either newsletters or technical sessions that are conducted about every month. Employer's Exhibit 423A is a copy of a quarterly newsletter published by the Gas Standards & Engineering unit. It focuses on specific system changes and announces the time and place of technical sessions. The content of the quarterly newsletter is submitted by the technical specialist - gas, meter engineering technician, project design coordinator and the materials specialist, all of whom I have found to be technical employees and included in the BGE-wide technical unit in 5-RC-14908. The material specialists conduct monthly "tech sessions" at Spring Gardens, Dorsey, and other locations to communicate with other personnel regarding changes in the materials that are being ordered for their use. Employees who attend those meetings may include, from time to time, designers, inspectors, and field personnel, as well as contractor personnel. In the technical sessions the materials specialists use hands-on demonstrations to show field personnel the changes in materials and how those changes will affect the manner in which they perform their job. The designers choose from the list of materials created by the materials specialist. The designers ask the materials specialist questions with regard to the materials. The materials specialist also interacts with underground (UG) mechanics and UG crew leaders in the BGE-wide production and maintenance unit, who are members of the construction crews in M3-04-05 to M3-09-03 with regard to materials issues.

In addition, the materials specialists write materials specifications for a standards book in which BGE documents specifications to ensure regulatory acceptance with respect to safety and other codes. Furthermore, three or four days per month they travel to the supplier manufacturing plants to audit and approve the quality of the materials being purchased. They maintain audit certifications from American

Society Quality (ASQ) which require training courses two to three times per year in order to be qualified to conduct the audits of the suppliers. In addition, they are rated by the International Standards Organization as ISO-9000 quality auditors, and they attend courses and must pass a test to maintain that rating. With respect to that aspect of their jobs, the materials specialists communicate with buyers and the procurement coordinator in the Purchasing Materials Management Department, 73-00-04. The materials specialists occasionally negotiate contracts with vendors, although such contracts are signed by employees working in Purchasing Materials Management within the General Services Division. They also effectively recommend whether particular vendors should be added to, or taken off, BGE's list of approved vendors. Materials specialists also conduct failure analyses when materials are found to be defective in the field. They test such materials to determine the nature of the defect, and may order that similar materials not be sent from warehouses to the field until the problem is resolved. Materials specialists write about such problems in a newsletter entitled, "Construction Q & A." The applicable job description states that the basic qualifications for the position include the satisfactory completion of post-high school courses in engineering, the physical sciences, and mathematics, and more than eight years of related work experience, including at least four years of experience in the engineering and design function, maintenance or construction of gas distribution systems, or the equivalent combination of formal education and training and experience. See Er. Exh. No. 4, #480A.

I conclude that the material specialists in M2-05-03 are technical employees who should be included in the BGE-wide technical unit found appropriate in 5-RC-14908. The materials specialists in M2-05-03 are responsible for all materials used on the gas distribution system to ensure that it meets code and testing requirements, performs as rated, and meets BGE's quality requirements. They are required to know industry specifications for all material that BGE uses. They conduct technical sessions at various BGE locations to make sure that field personnel throughout BGE understand the technical changes in materials and how those changes affect job performance. They write materials specifications to ensure regulatory acceptance. They are responsible for the testing and quality assurance necessary to certify that suppliers and manufacturers are qualified to sell parts and material to BGE. To perform this function, they are required to maintain an American Society Quality Certification that requires the successful completion of training classes and testing. In addition, they are rated by the International Standards Organization as ISO-9000 quality auditors, and they attend courses and must pass a test to maintain that rating. They do not share supervision with or interchange with production personnel and there is no evidence that they do any physical work. They perform different work and have different skills, education and training than production and maintenance employees. As noted, like other technical employees throughout BGE, they must have coursework in engineering, physical sciences and mathematics, more than eight years of related work experience, including four years of experience in the engineering and design function, maintenance or construction of gas distribution systems, or the equivalent combination of formal education, training and experience. Like other technical employees throughout BGE and in the Gas Standards and Engineering Unit, they work in a unit with engineers and other technicians, share unit supervision and the same benefits with other technical employees, and are paid comparably to other technical employees. Moreover, as noted, both parties agree that the material specialists are technical employees. In these circumstances, I conclude that the material specialists in M2-05-03 are technical employees who should be included in the BGE-wide technical unit found appropriate in 5-RC-14908.

Meter Engineering Technician – M2-05-03

Both parties agree that the meter engineering technician is a technical employee position. Er. Exh. 427 and Pet. Exh. 162. The meter engineering technician, Craig Buppert, shares the same facilities that are used by the other employees in the Gas Standards and Engineering Unit. Buppert spends the vast majority of his time in the trailer at Spring Gardens with the engineers, the other technical employees in

this unit, and his supervisor. The meter engineering technician is in pay grade 30 and is supervised by Mr. Troch.

The meter engineering technician is responsible for technical, engineering, and design issues involving residential and system pressure meter and regulation facilities. The meter engineering technician tests new equipment received from vendors, and compiles written meter regulator standards.³ The meter engineering technician designs meter and regulator sets for relatively high gas pressures. In such instances, he receives the system's specifications from a designer in M2-05 or service planners in Department 39, whom I have found to be technical employees, and then determines the appropriate specifications for the regulator and the meter. The meter engineering technician uses a computer program called Meter Order Processing System (MOPS) to perform that function. He then prepares drawings of the design, using computer-aided design and drafting (CADD) software called Microstation. These drawings are used by the fabrication or field personnel to build the system. Occasionally, he goes to the site of the system to answer questions and make modifications. In addition, he oversees testing of regulators by gas measurement technicians in the Gas Measurement Section M1-07-01, or at a vendor's facility.

The meter engineering technician travels to the field once or twice per month or about 5% to 10% of his time, to communicate with field personnel. He conducts occasional "tech sessions" with field personnel. He also conducts occasional field investigations if problems are reported, and spends a considerable amount of time on the telephone answering questions from field personnel, particularly gas distributions technicians in M1-03-02. Furthermore, the meter engineering technician spends 15% to 20% of his time writing portions of BGE's standards and meter handbooks that are used by design and field installation personnel, and by plumbers, contractors, and architects in the general building community. The standards are contained in the operations and maintenance manual and deal specifically with meter and regulator devices. The meter engineering technician also produces all the drawings for the manual and regularly updates it. The meter engineering technician attends classes given by equipment manufacturers, but he is not required to have any certification. Typically, the person in this classification has field experience in the gas measurement section, M1-07-01.

The meter engineering technician position is held by the same individual who held it in 1996, and the only significant change to his duties since that time is the addition of the handbook writing responsibilities. The applicable job description states that the basic qualifications for the position include two years of technical college mechanical/electrical engineering and over six years of related work experience, or the equivalent combination of formal education, training and experience in gas and electric measurement, including field installations, as well as demonstrated experience in organizing details, writing reports, and dealing with people, along with some familiarity with laboratory techniques and instruments. See Er. Exh. 4, #487A

I conclude that the meter engineering technician in M2-05-03 is a technical employee and should be included in the BGE-wide technical unit found appropriate in 5-RC-14908. He is responsible for all of the technical issues, engineering issues and design issues associated with the BGE's meter and regulation facilities. The meter engineering technician, is responsible for designating the correct meter assembly for a particular job. He responds to typical requests by sending an existing assembly specification, and responds to complex requests by drafting an original design for custom assembly. Thus, if job requirements for meter regulators are outside of BGE standards, the meter engineering technician individually designs the new meter regulator system. Typically, a request of that nature comes from a designer, whom I have included in the BGE-wide technical unit. As noted, the meter engineering

³ A regulator is a device that determines gas pressure in a given system.

technician specifies the regulation equipment that is to be used, tests and verifies new equipment from vendors, and writes meter regulator standards. In doing so, the meter engineering technician uses his own independent judgment and applies the requisite specifications. He writes and updates the standards in the meter handbooks, which are used by the design personnel and field installation personnel. The standards address what type of equipment is to be used and how it is to be installed. He receives training from equipment manufacturers and on-the-job training. He shares immediate supervision with engineers and the other highly-skilled technical employees in this Unit. Like other technical employees in the BGE-technical unit, the meter engineering technician drafts CADD diagrams. His skills and job function are very different from the production and maintenance workers, who perform physical labor. Rather, the record reflects that his specialized skills, experience and training, technical duties and working conditions are similar to those performed by other technical employees throughout BGE. In addition, he is paid comparably to other technical employees. Moreover, both parties agree that the meter engineering technician is a technical employee. In these circumstances, I conclude that the meter engineering technician in M2-05-03 is a technical employee who shares a sufficient community of interest with other technical employees throughout BGE and I shall include this classification in the BGE-wide technical unit found appropriate in 5-RC-14908.

Junior Engineering Technician – M2-05-03

At the hearing, the Petitioner claimed that the junior engineering technician was a technical employee. On brief, the Petitioner abandoned this position and claims that the record shows that this job is non-technical and clerical in nature. The Petitioner asserts that the record fails to establish that the junior engineering technician is required to have or receive any advanced training. In addition, the Petitioner notes that the job description for the junior engineering technician was never verified as accurate, and cannot be assumed to be accurate in light of the many inaccuracies in job descriptions discovered throughout the hearing. See Pet. Brief at 704, n. 151. BGE contends that the junior engineering technician shares a community of interest with production and maintenance employees and should be included in the BGE-wide production and maintenance unit. If I find that a BGE-wide technical unit is appropriate, however, BGE contends that the junior engineering technician should be included in the BGE-wide technical unit.

The junior engineering technician is in pay grade 27. She works in the same trailer facility at Spring Gardens as the above-mentioned technical employees; she is also supervised by Steven J. Troch; and she uses the same common areas. She is responsible for maintaining and updating the Unit's documents, including the Gas Distribution Standards, material specifications, and engineering standards, along with newsletters and communication notes. The information from the standards comes from other members of the Gas Standards and Engineering Unit. The junior engineering technician also drafts language and produces drawings, using computer aided design and desktop publishing software (CADD), for those documents, which include specifications and manual books used by BGE. The junior engineering technician collects the information, drafts the language for the standards, and prepares drawings using CADD. Approximately 85% to 90% of her time is spent on these duties. She does not have direct contact with regulatory agencies such as the Public Service Commission.

In addition, she participates in some technical field collection programs related to regulatory responsibilities. For example, the junior engineering technician is the administrator of BGE's PCB compliance effort. With respect to that project, she keeps records of field tests that are submitted to the Environmental Protection Agency, maintains data bases, and participates in field collection. Other projects on which she performs similar functions include maintenance and repair procedures, an operator qualification program, and worker safety equipment issues. The junior engineering technician is required to make judgments as to whether BGE's established qualifications for certain field employees meet

governmental standards. For example, the junior engineering technician is involved in the DOT's operator qualification program that requires that all personnel, including ETDD field crews in Department 39, who perform activity on the gas distribution system, to demonstrate minimum proficiency. The junior engineering technician maintains documentation on the qualification program and ensures that the program is structured in such a way as to meet regulatory requirements. She also formats and re-words reports and bulletins that are drafted by engineers, managers, and supervisors to prepare them for distribution and publication. Employer Exhibit 425 is a bulletin that is published intermittently to all employees who must be knowledgeable about gas standards. The junior engineering technician wrote the bulletin under the direction of the staff engineers. There are other bulletins which are distributed to all "holders" of the standards that address changes in standards and that have been drafted by the materials specialist (Er. Exh. 428) and the technical specialist - gas. She acquired the knowledge required for the job through experience, on-the-job training, and courses involving the use of computers. The job description for this position in Employer's Exhibit No. 4, Job No. 433A, states that the basic qualifications include one year of post-high school technical education and over four years of experience in engineering and maintenance activities or the equivalent combination of formal education, training and experience, along with the willingness to continue studies in the engineering field and the ability to use various computer software systems.

Even if it should be determined that the junior engineering technician in M2-05-03 is not a technical employee, I conclude that she performs work of a technical or at least quasi-technical nature and shares a sufficient community of interest with other technical employees in M2-05-03 and throughout BGE, whom I have included in the BGE-wide technical unit found appropriate herein. Brown & Root-Northrop, supra, 174 NLRB at 1006. Concededly, she performs some clerical functions because of her junior status. Contrary to the contentions of the Petitioner, however, the junior engineering technician is more than an office clerical employee maintaining unit documents. The junior engineering technician regularly performs at least quasi-technical functions and utilizes technical skills that are distinct from the functions and skills of production and maintenance employees. For example, the junior engineering technician drafts the language for the standards, and prepares drawings using CADD much like other technical employees. She participates in technical field collection programs related to regulatory responsibilities and administers BGE's PCB compliance effort. The junior engineering technician is required to make judgments as to whether BGE's established qualifications for certain field employees meet governmental standards. She also writes bulletins under the direction of the staff engineers. She acquired the knowledge required for the job through experience, on-the-job training, and courses involving the use of computers. Moreover, basic qualifications for her position, that have not been shown to be inaccurate, include one year of post-high school technical education and over four years of experience in engineering and maintenance activities or the equivalent combination of formal education and training and experience, along with the willingness to continue studies in the engineering field and the ability to use various computer software systems. The junior engineering specialist works under different working conditions than production and maintenance employees, using CADD, much like the other technical employees found throughout BGE. She shares separate immediate supervision in a unit composed of engineers and technical employees. She works in an office environment like other technical employees and spends time dealing with governmental agencies to resolve technical issues concerning regulatory compliance. In these circumstances, I find that the junior engineering technician in M2-05-03, irrespective of whether she is actually a technical employee, shares a sufficient community of interest with technical employees in the same unit and throughout BGE to be included in the BGE-wide technical unit found appropriate in 5-RC-14908.

Gas Data & Support Services Unit M2-05-04 (former Gas Maps and Records Unit -M2-05-04)

This Unit is responsible for two distinct functions. The former Gas Maps Group function is to maintain and update all of BGE's distribution maps and detail plats so they are available to any employee who needs them. The job classifications at issue in the former Gas Maps Group are the engineering technician and gas distribution drafter. The former Records Group, consisting of a principal administrative assistant work leader and three senior administrative assistants, is responsible for maintaining data concerning gas services. The employees in this Unit work at Spring Gardens, on the second floor of the Service Building. In general terms, they work in an office environment. They use the OSF Building common areas such as a vending machine area and a conference room on the first floor. The former Gas Maps and Records Unit employees attend Section meetings in the OSF Building. They are permitted to use a flex time schedule.

At the time of the hearing, there were four positions in dispute in this unit: engineering technician, gas distribution drafter, gas distribution drafter trainee, and senior administrative assistant.

The parties stipulated to the following paragraph: Two (non-supervisory) PRINCIPAL ADMINISTRATIVE ASSISTANTS (244B) were transferred to this unit from the design units (one each from M2-05-02 and M2-05-05). These jobs have the same duties as in their former organizations and as was presented during the hearing.

BGE contends that each of these positions should be eligible to vote in the BGE-wide production and maintenance unit. The Petitioner would exclude each of these classifications. The Petitioner contends that the gas distribution drafters are technical employees. At the hearing, the Petitioner changed its position with regard to the engineering technicians, and no longer contends that the engineering technicians are technical employees, but does contend that they lack a sufficient community of interest to be included in any of the units at issue. BGE contends that there are no technicals in this Unit. However, should I find any of these classifications to be technical positions, and further find that a unit of all technicals in BGE is appropriate, then BGE would agree to their inclusion in the BGE-wide technical unit.

Gas Distribution Drafters -- M2-05-04

The three gas distribution drafters in M2-05-04 are in pay grade 28. They are supervised by the unit supervisor, who also supervises the engineering technician. They are responsible for taking the design print that has been prepared by a designer to the job site and recording on that print anything that was installed in a manner different from that contemplated in the print, such as fittings or actual placement. While working in the field, they take detailed measurements of the gas mains with respect to depth or cover, location, curves, and angles, using measuring wheels and rulers. Their notations may include the depth of the trench, the number of degrees of any elbows in the pipe, valve additions, material changes, length of pipe, distance to the main, and fittings. The print, as altered by the gas distribution drafter, is referred to as an "as built." These employees return to the job site every two to three days, if necessary, to observe the mains as they are installed. Some jobs require only one visit. A gas distribution drafter speaks to crew leaders and other field crew personnel by phone and in person on a regular basis to ensure that he or she is able to observe the progress of jobs. Typically, the gas distribution drafter will speak to the crew leader each time he visits a site. A gas distribution drafter is responsible for as many as 12 to 15 job sites at any given time. They are not permitted to make any changes to the design, but crew leaders may make changes if, for example, they encounter obstructions. Gas distribution drafters must wear safety equipment while at the sites, such as safety shoes, a vest, glasses, and a hard hat. They spend about six hours out of each eight-hour day in the field. They travel in vehicles owned by BGE. The gas

distribution drafters sometimes refer to BGE's construction standards manuals if, for example, they are not able to see a main or a valve that they must add to a drawing. That may occur because they are not permitted to enter a trench, physically, or because the main was covered up before they were able to observe it. The crew leaders inform the gas distribution drafters about what has been done in such instances, or they use a device called an N-scope to locate the covered mains.

After making changes to the paper copies of the drawings, the gas distribution drafters return to their office and make changes on the detailed plate in electronic form, using a computer program called Microstation ASKII, which is a CADD program. The designers who supply the paper design prints to the gas distribution drafters are located at the Dorsey or Spring Gardens locations. Other computer software that the gas distribution drafters use includes e-mail, Microsoft Word, and BGE's WMS system and Gas Maps Tracking system.

The gas distribution drafters learn their jobs through on-the-job training. In addition, each of them took a semester-long course in CADD at Catonsville Community College. They do not use drafting tables. Rather, since BGE began using CADD, they have used a device called a digitizer. The gas distribution drafters, like the engineering technician, attend so-called tech meetings in the OSF Building regarding changes to BGE's construction standards, such as valves, regulators, and other materials and equipment. Those meetings occur about once a month and last about an hour. The applicable job description states that the basic qualifications include more than one year of post-high school education in drafting, algebra, and geometry; more than two years of experience in field inventorying and drafting of gas distribution systems and operation, as well as construction of gas mains and services, or the equivalent combination of formal education, training and experience. See Er. Exh. 4, #238A.

I conclude that the gas distribution drafters in M2-05-04 are technical employees and should be included in the BGE-wide technical unit found appropriate in 5-RC-14908. Like other technical employees throughout BGE, they gather information necessary to construct a design and then use computers to layout complex designs. They take the design print into the field and make modifications to it if the construction of the gas main or fittings differ in any way from the original design. Once their field observations are noted on the design print, the gas distribution drafters use CADD to make changes on the electronic copy of the detail plate. Like the distribution designers found to be technical employees in the ETDD, they have specialized skills and job duties that require independent judgment. They draw "as built" drawings of gas facilities by first making a preliminary sketch in the field and then plotting the drawing in their office using CADD and a table called a digitizer. Employer Exhibit 447 is an example of an "as built" drawing that was prepared by a gas distribution drafter and it demonstrates the technical nature of the drawings they prepare. Their job requires significant experience and training. Like other technical design personnel included in 5-RC-14908, BGE sends the gas distribution drafters to Catonsville Community College for a semester-long course on computer-aided design and drafting. In addition, the job requires one year of post-high school education in drafting, algebra, or geometry, and over two years experience in field inventorying and drafting, gas distribution systems and operation, and construction of gas main and service, or the equivalent combination of formal education/training and experience. In addition to their distinct technical skills and functions, the gas distribution drafters do not share supervision with field/construction personnel, and there is no evidence of any significant contact with such personnel when they are drafting in the field. The gas distribution drafters do not perform any construction work or interchange with production and maintenance employees. In these circumstances, I conclude that the gas distribution drafters are technical employees who share a sufficient community of interest with other technical employees who perform design and drafting work throughout BGE using similar skills and specialized training under similar working conditions. Accordingly, I shall include gas distribution drafters in M2-05-04 in the BGE-wide technical unit found appropriate in 5-RC-14908.

Gas Distribution Drafter Trainee (M2-05-04)

The record reflects that the gas distribution drafter trainee is a grade 25 position that requires no advanced education or training, beyond a high school degree. The gas distribution drafter trainee learns on the job and works under the direction of the gas distribution drafter. The work that this classification performs is comparable to that of the drafter trainees in 37-05-01 in the ETDD division. At the time of hearings in this case, the position of gas distribution drafter trainee in M2-05-04 was vacant and there were no plans to fill this position. Because there is no gas distribution drafter trainee and the record reflects that BGE has no plans to hire any, I find that this classification cannot be included in any of the units found appropriate herein.

Engineering Technician -- M2-05-04

The engineering technician in M2-05-04 is in pay grade 30. The engineering technician is responsible for ensuring that all jobs released to the field are covered by gas distribution drafters and for ensuring that a drafter is at the job site while a job is progressing. The engineering technician obtains the information he needs from an in-house database called Gas Maps Tracking, which receives downloads from the Work Management System software. The engineering technician creates reports that are given to the gas distribution drafters showing the stage of each particular job. The engineering technician is not responsible for creating a job jacket, but he takes the design print from those jackets and gives them to the gas distribution drafters. The job jackets are prepared by design groups in M2-05-02 or M2-05-05. When a job is complete, the gas distribution designer returns the design print to the engineering technician, who then enters data into the Gas Maps Tracking database showing that the job is complete. He is required to have a high school diploma and must be able to read designs, although he is not responsible for drafting designs. The engineering technician does not do any of the actual drafting or design work. The engineering technician receives all of his training on the job, rather than through specialized courses at a technical school or college. The current engineering technician received all of his training on-the-job. He has a bachelor's degree, but that was not a job requirement. He attends courses given by BGE regarding computer program updates. In addition to the Gas Maps Tracking database, he uses BGE's Valve Database, meter records database, Gas Service System (GSS) database, Excel, Word, Business Objects, and Power Point.

The engineering technician receives telephone calls from employees in the Gas Service Groups and in Maintenance and Repair regarding leaks. Those field employees ask the engineering technician where the nearest valve or other relevant equipment is located. The engineering technician then retrieves information from the computer system or looks at a hard copy of the detailed plat, and provides the requested information to the caller. He receives about six such telephone calls per day.

The engineering technician also receives telephone calls from developers who need copies of gas distribution maps or detailed plats. He makes a copy of the requested document and mails it to the caller or makes it available directly if the caller wants to pick it up himself. This task accounts for about five percent of his time.

Most of the engineering technician's time is spent writing reports for the Unit supervisor, or collecting information regarding budget, regulatory or other reports. The information that he collects for a Department of Transportation report concerning the amount of pipe used by BGE is forwarded to an engineering technician in M2-05-03, who prepares an annual report. The engineering technician spends over 90 percent of his time in the Service Building.

The engineering technician, like the gas distribution drafters, attends tech meetings in the OSF Building regarding changes to BGE's constructions standards, such as valves, regulators, and other materials and equipment. As noted, those meetings occur about once a month and last about an hour. The record established that the job description in Employer's Exhibit No. 4, Job No. 196A, is not accurate with respect to this position.

I conclude that the engineering technician in M2-05-04 does not share a sufficient community of interest with employees in any of the units found appropriate herein. Unlike production and maintenance employees or technical employees, the engineering technician spends at least forty percent of his time compiling data and then writing reports for supervisors. Another major function of the engineering technician concerns monitoring the Gas Map Tracking Database that indicates when jobs are released to the field so that the engineering technician can distribute design prints to gas distribution drafters and ensure that they monitor the jobs that have been released to the field. After the drafters finish their drawings, the engineering technician inputs or logs the drawings back into the Gas Map Tracking Database. The engineering technician spends most of his day in an office environment using computer systems or performing clerical tasks such as writing reports, retrieving documents and inputting data. He does not perform physical production and maintenance work nor does he have technical skills or perform technical duties and functions such as actual drafting or design work. In addition, he does not interchange with unit employees. In these circumstances, I conclude that the engineering technician in M2-05-04 does not share a sufficient community of interest with technical or production and maintenance employees in BGE, and I shall exclude this classification from any of the units found appropriate herein.

Principal Administrative Assistant – M2-05-04 (formerly M2-05-02)

The principal administrative assistant in M2-05-04 (formerly M2-05-02), Amy Elizabeth Meyers, is in pay grade 28. Like the principal administrative assistant in M2-05-05, Mary Weaver, Ms. Meyers processes jobs for Construction, packages those jobs, and ensures that the required permits and other documents are included in the packages. Unlike Ms. Weaver, Ms. Meyers prepares billing documents for all of the jobs in her Unit that go to Construction. She also prepares billing documents for CIS and documents concerning the receipt of payments for those jobs. Ms. Meyers has frequent daily contact with the assistant gas distribution designers in M2-05-02, either in person or by telephone, regarding questions she has concerning the projects that they are working on. Ms. Meyers is the Unit's primary contact with local government agencies that issue permits. When those agencies make changes to their permit requirements or permit application procedures, they contact Ms. Meyers, who communicates that information to the gas distribution designers, assistant gas distribution designers, the principal design technician, and the supervisor in her Unit. In connection with those duties, Ms. Weaver communicates with a principal administrative assistant in the ETDD to ensure that the ETDD and the Gas Division are using the same applications for permits. Ms. Meyers spends about 95 percent of her time in the office trailer working with a computer. Ms. Weaver and Ms. Meyers substitute for each other during vacations.

I conclude that the principal administrative assistant in M2-05-04 (formerly M2-05-02) is an office clerical employee and should be excluded from any of the units found appropriate herein. She has different skills and functions than production and maintenance or technical employees and spends all of her time in an office environment where she performs typical office clerical functions. Essentially, she collects paperwork for jobs and forwards that paperwork to construction personnel. She sets up computerized billing information for every job that passes her desk, and keeps track of changes to permitting requirements. In performing these duties, she spends over ninety-five percent of her time in the office, working primarily on a computer. There is no evidence in the record of any significant contact with production and maintenance employees and she is paid considerably less than technical employees. In these circumstances, I conclude that the principal administrative assistant in M2-05-04 (formerly M2-

05-02) is an office clerical employee and should be excluded from any of the units found appropriate herein. Power, Inc., 311 NLRB 599, 608, affirmed, 240 F.3d 409 (D.C. Cir. 1994); Mitchellace, Inc., 314 NLRB 536, 536-37 (1994), enforced, 90 F.3d 1150 (6th Cir. 1996); Cook Composites & Polymers Co., 313 NLRB 1105, 1108-09 (1994); Avecor, Inc., 309 NLRB 73, 75 (1992); Jackel Motors, 288 NLRB 730, 742 (1988); Container Research Corp., 188 NLRB 586, 587 (1971).

Principal Administrative Assistant – M2-05-04 (formerly M2-05-05)

The principal administrative assistant in M2-05-04 (formerly M2-05-05), Mary Weaver, is in pay grade 28. She prepares the final documents that are forwarded from the Gas Project Design Unit to the Gas Maintenance and Construction Department M3. She receives permits, cost estimates and final prints. She packages documents, including permits, the job design, the service information records, and the cost estimates. She copies them and sends them to Construction. If the documentation she needs is not complete, she speaks to the gas distribution designer to obtain any missing documents. She has daily contact with the project design coordinator and the gas distribution designers. On rare occasions, she has contact with employees in M3 when documents are missing. In addition, the principal administrative assistant prepares work reports and various forms for the Unit supervisor. She also assists the principal administrative assistant in the New Business Gas Design Unit M2-05-02, whose duties include processing that Unit's final job plans, preparing billing information, and coordinating notification for public works projects. The principal administrative assistant in M2-05-04 (formerly M2-05-05) spends about 95 percent of her time in the trailer, which sometimes is referred to as a portable office.

I conclude that the principal administrative assistant in M2-05-04 (formerly M2-05-05) is an office clerical employee and should be excluded from any of the units found appropriate herein. She has different skills and functions than production and maintenance or technical employees and performs typical office clerical functions such as packaging and copying documentation to be sent to the field. She also prepares reports for the unit supervisor. She spends nearly all of her time in the office, and there is no evidence in the record that she has any significant contact with production and maintenance employees or technical employees other than to ensure that office documentation is complete or accurate. In these circumstances, I conclude that the principal administrative assistant in M2-05-04 (formerly M2-05-05) is an office clerical employee who should be excluded from any of the units found appropriate herein, even though she may occasionally be required to interact with unit employees. Power, Inc., 311 NLRB 599, 608, affirmed, 240 F.3d 409 (D.C. Cir. 1994); Mitchellace, Inc., 314 NLRB 536, 536-37 (1994), enforced, 90 F.3d 1150 (6th Cir. 1996); Cook Composites & Polymers Co., 313 NLRB 1105, 1108-09 (1994); Avecor, Inc., 309 NLRB 73, 75 (1992); Jackel Motors, 288 NLRB 730, 742 (1988); Container Research Corp., 188 NLRB 586, 587 (1971).

Senior Administrative Assistants -- M2-05-04

The senior administrative assistants in M2-05-04 are in pay grade 26. They work in the Records Group, as opposed to the Gas Maps Group. They are in work group 2, which is overseen by a work leader classified as a principal administrative assistant. The gas distribution drafters and the engineering technician, described above, are in work group 1. The senior administrative assistants are responsible for maintaining and updating records for all of the gas services. Each of them has a computer with access to the relevant databases, such as Gas Service System, WMS, and a meter records database. The senior administrative assistants receive information from two primary sources, inspection and repair reports and WMS tickets. In addition, if field crews perform pressure tests, these senior administrative assistants receive pressure test forms. The inspection and repair reports show any changes or repairs that were made on a service line. Occasionally, the senior administrative assistants read detail plates in those instances where the detail plates include an incorrect street name. They are responsible for finding the

correct street name. They enter data into databases, and they scan records into databases. In addition to the above duties, the senior administrative assistants are in the process of entering data from old index card records that involve residential gas services. They spend all of their time in the office, and about 90 percent of their time in front of their computers. In 1996, these positions were referred to as gas service analyzers in 58-06-05. The Regional Director excluded the gas service analyzers from the unit in 1996, and the Board did not permit them to vote subject to challenge. See Er. Exh. 9C at 4-19 and Er. Exh. 9B.

I conclude that the senior administrative assistants in M2-05-04 are office clerical employees who should be excluded from any of the units found appropriate herein. They have different skills and functions than production and maintenance or technical employees and perform typical office clerical functions. They update computer databases to track installations and repairs of gas distribution facilities and equipment. They spend all of their time working in an office environment performing duties traditionally associated with office clerical employees. The senior administrative assistants do not share supervision with any production and maintenance or technical personnel and do not interchange with them. In these circumstances, I conclude that the senior administrative assistants in M2-05-04 are office clerical employees who should be excluded from any of the units found appropriate herein. Power, Inc., 311 NLRB 599, 608, affirmed, 240 F.3d 409 (D.C. Cir. 1994); Mitchellace, Inc., 314 NLRB 536, 536-37 (1994), enforced, 90 F.3d 1150 (6th Cir. 1996); Cook Composites & Polymers Co., 313 NLRB 1105, 1108-09 (1994); Avecor, Inc., 309 NLRB 73, 75 (1992); Jackel Motors, 288 NLRB 730, 742 (1988); Container Research Corp., 188 NLRB 586, 587 (1971).

Gas Design – East Unit M2-05-05 (formerly Gas Project Design Unit – M2-05-05)

The parties stipulated to the following paragraph: There are now three ASSISTANT GAS DISTRIBUTION DESIGNERS (050A) – one new position, and two who transferred from M2-05-02. This job has the same duties as testified under M2-05-02. The previous complement of five (5) GAS DISTRIBUTION DESIGNER has been increased to six (6) – one transferred from M2-05-02.

This Unit performs design work for non-growth capital projects. This unit is closely related M2-05-02, which designs projects that involve new facilities. The employees in this unit, like the employees in M2-05-04, work out of the trailers in Spring Gardens. They use the cafeteria and lavatory facilities in the OSF Building. The weekly employees in this Unit are permitted to work flex time.

The parties disagree about the unit placement of four job classifications in this unit: project design coordinator, gas distribution designer, assistant gas distribution designer, and principal administrative assistant. Both parties agree that the project design coordinator in M2-05-05 is a technical employee classification. See Pet. Exh. 162 and Er. Exh. 427. The Petitioner also contends that the gas distribution designer and the assistant gas distribution designer are technical employees. BGE disagrees. The Petitioner would exclude all of the above classifications from any of the petitioned for units. BGE claims that each of these classifications share a community of interest with production and maintenance employees sufficient to warrant their inclusion in the BGE-wide production and maintenance unit. Alternatively, should I find that the project design coordinator, gas distribution designer and the assistant gas distribution designer are technical employees and that a separate BGE-wide technical unit is appropriate, BGE would include these classifications in the BGE-wide technical unit.

Project Design Coordinator – M2-05-05

The project design coordinator, James Wright, is in pay grade 31. He is supervised by Mr. Cavanaugh, the unit supervisor. The project design coordinator position is the only position in work group 1 in M2-05-05. The other weekly employees in the Unit report to a work leader who is a principal

design technician. Primarily, he oversees contractors with respect to public works relocation projects by packaging the preliminary paperwork and submitting it to outside consultants for price quotes that would be charged to BGE for the task of designing a particular job. Technical specialists in the Gas Standards and Engineering Unit, M2-05-03, produce a letter describing a project in detail, along with a map and gas detail plates, which show the materials that need to be replaced. Mr. Wright then submits that paperwork to a few outside consultants. In addition, he meets with the consultants to discuss the project at the job site or at the consultant's facility. When the consultants submit price quotes based on that information, Mr. Wright compares the quotes to prices that have been paid by BGE for similar work in the past. Mr. Wright has full authority to approve or disapprove the quotes. The project design coordinator also is responsible for adding materials to the consultant's plans, if necessary, and for specifying alternative methods for supplying gas service lines for the customers during the period when the main is shut off for the relocation project. Before the project design coordinator's drawings are released to the construction personnel, engineering checks are performed by the Unit supervisor, by an employee from the ETDD who is permanently assigned to the Gas Distribution Division, and by a Corrosion Control Unit supervisor. The project design coordinator also prepares a cost estimate for each job on which he works.

The project design coordinator's duties require a significant amount of work with BGE's computer system. Typically, an employee becomes a project design coordinator by being promoted from a gas distribution designer position in the same Unit. The position of project design coordinator requires 6 to 8 years of experience in gas distribution design. The project design coordinator provides the highest level of review in M2-05-05 with respect to designs that come from outside consultants. If the project design coordinator disagrees with a consultant's design, he meets with the consultant and directs the consultant to make changes to conform to BGE's established standards.

The project design coordinator occasionally interacts with paving coordinators in M3-09-05 in order to properly account for paving restoration costs that will be incurred to complete a project. In addition, he interacts with technicians in M3-08-04, and supervisors and underground crew leaders in M3-08. He also interacts with personnel in the Gas Standards and Engineering Unit, M2-05-03. With respect to some projects, the project design coordinator forwards a preliminary job design, at the advanced print stage, to chief underground mechanics in construction for fine tuning of the cost estimate. Occasionally, he also consults in person with the supervisor or senior gas distribution technician in the Pressure Control Unit, M1-03-02. The purpose of that consultation is to ensure the reduction of gas pressures during the construction phase, or to discuss increased gas pressures that may be desired as a result of the construction. On rare occasions, he speaks by telephone with supervisors in the ETDD regarding projects where cables are being replaced at the same location as the gas mains that are being replaced. The project design coordinator has the ultimate authority in deciding how the project will be built.

After a design is approved, the outside engineering consultant typically has little further involvement with a project. On the other hand, during construction, the project design coordinator may be called upon to deal with problems that were not foreseen during the design phase, such as underground rocks or other obstructions that will require a change to the design. He determines ways to handle such problems and makes field notes or, occasionally, changes to the design itself, showing departures from the original design. Such interactions are with construction personnel or with a contractor's inspector or supervisor.

The project design coordinator uses a computer and CADD software in the performance of his duties. He obtained his CADD training at Catonsville Community College. Mr. Wright performs the bulk of his work with computers. The software that he uses includes Microstation, WMS, Excel, Access, and CIS. The project design coordinator is not required to have any post-high school education. He spends about 10 percent of his time in the field, and about half of that time in the field is at the pre-

construction phase. The applicable job description states that the basic qualifications for the position include more than eight years of job-related work experience, including at least four years of experience in the design and drafting of gas distribution systems, or the equivalent combination of formal education and training and experience; the demonstrated ability to develop project requirements and prepare complex designs, finished drawings, and calculations requiring limited engineering theory; the ability to use personal computers and computer aided design and drafting systems; and the ability to prepare technical reports. See Er. Exh. 4, #621A.

I conclude that the project design coordinator in M2-05-05, like the project design coordinators elsewhere in BGE, is a technical employee who shares a sufficient community of interest with other technical employees to be included in the BGE-wide technical unit found appropriate in 5-RC-14908. Like a host of other technical employees in BGE, he has technical skills and training related to the design process. The majority of the project design coordinator's time is spent overseeing the design process before the design is released to construction. The project design coordinator has a design background that enables him to review design prints to ensure that they are correct and he is the last level of review for the designs. Like other technical design personnel, he uses a computer and CADD software in the performance of his duties and received CADD training at a local community college. He does not share supervision with production and maintenance personnel, nor is there any evidence of appreciable contact between the project design coordinator and BGE field personnel. Concededly, the primary function of the project design coordinator is to oversee design work performed by outside engineering contractors or consultants with whom BGE has ongoing contracts. In performing this function, however, he must also interact with the BGE technical employees in M2-05-03, whom I have included in the BGE-wide technical unit. The evidence established that the project design coordinator works with both contractors and BGE employees. In addition, the project design coordinator performs functions that are similar to those performed by the project design coordinators in 39-01-07, who also coordinate the work of outside consultant firms that perform design work for BGE and who I have included in the BGE-wide technical unit, as explained above. In these circumstances, I find that the project design coordinator in M2-05-05 shares a sufficient community of interest with other technical employees throughout BGE and I shall include this classification in the BGE-wide technical unit found appropriate in 5-RC-14908.

Gas Distribution Designers – M2-05-05

As noted above, after the close of the hearing, the parties stipulated to the following: The previous complement of five (5) GAS DISTRIBUTION DESIGNER has been increased to six (6) – one transferred from M2-05-02.

The gas distribution designers are in pay grade 30. The gas distribution designers work under a work leader in work group 2, who is a principal design technician and who also supervises the principal administrative assistant. They perform the design function for gas main replacements, public works projects, reinforcements, and system expansion jobs. About 80 percent of their work involves public works projects. They receive a notification form letter through the Engineering Unit regarding a particular project. In addition, certain documentation is prepared by the principal design technician work leader. That documentation includes a gas print, a detailed plate, and blanket information for the project scope of work. A gas distribution designer, upon receiving that documentation, visits the site, takes field measurements, prepares a base drawing and a gas design alignment, and then applies the material requirements, and cost estimates. He or she also prepares the permits regarding sediment and erosion control, trees, and highways. The site visit also allows the gas distribution designers to observe and note any possible obstructions to the placement of the gas line, such as trees or retaining walls, and to take any necessary measurements. He or she also uses a metal locator to locate any existing service lines that could affect the project. Typically, two gas distribution designers visit the site together. Occasionally,

the principal administrative assistant in former M2-05-05 accompanies a gas distribution designer to a site visit. The gas distribution designers use their own vehicles for these preliminary site visits. They are required to have knowledge concerning the Employer's gas distribution standards, and an in-depth knowledge of Microstation CAD software.

Following the site visit, the gas distribution designer uses the information gathered to create a base map for the gas design, which shows curves, roads, building footprints, manhole locations, storm drains, sewer lines, and the existing gas main. In preparing the base map, the gas distribution designer does not work from an initial design or plot, although he or she has use of a gas detailed plate when starting work on the base map. The gas distribution designer uses Microstation software to perform this function, and refers to published gas distribution standards. After the base map is prepared, the gas distribution designer issues advanced prints, through the principal administrative assistant, which are forwarded to Construction for review. The gas distribution designer uses independent judgment to determine the most efficient, economical, and safe way to lay out the project. Before being released to Construction, however, the gas distribution designer's base map must be approved by the Unit Supervisor, by an employee from ETDD who is permanently assigned to the Gas Distribution Division, and by a Corrosion Control Unit supervisor. Employer Exhibit 440 is an example of the technical nature of the drawings they prepare. On rare occasions, similar drawings are prepared by project design coordinators when there is insufficient design work for them to perform. At that point, the gas distribution designer visits the site and takes measurements with surveying equipment to identify test tolling elevations and inverts, and to provide construction grade information. When he or she performs said functions, vehicles specifically equipped for surveying are used. Typically, a gas distribution designer spends about four hours per week using the surveying vehicles, and about five percent of his or her time using surveying equipment. The surveying vehicles are maintained by BGE's Transportation Department, and are kept in a parking lot at Spring Gardens, behind the trailers. All personnel in M2-05-05 have access to those vehicles.

After construction permits are issued by governmental agencies, the gas distribution designer sometimes meets with supervisors or chief underground mechanics from Construction to discuss any potential problems in implementing the design. The gas distribution designer also engages in consultations similar to those done by the project design coordinator while the construction is being performed. If Construction personnel request changes that depart from BGE standards, such changes must be approved by Gas Standards and Engineering Unit Supervisor in M2-05-03. The gas distribution designers visit the sites on which they performed the design work about once per week during the construction phase and speak to the chief underground mechanic or the underground crew leader. They wear hard hats and safety glasses while at the construction sites. The gas distribution designers spend about 20 percent of their time in pre-construction coordination meetings, such as those described above, with public works engineers, Gas Construction supervisors, chief underground mechanics, and underground crew leaders. They also use judgment to determine the sequencing of stages of construction, for example, which portions of the project should be done before other portions. In that regard, they consult with the Pressure Control Unit concerning the shutting off of gas supplies or reductions in pressure.

The gas distribution designers attend monthly meetings called tech sessions that are conducted by personnel in M2-05-03. In addition, the Unit supervisor conducts monthly meetings concerning revisions to BGE standards that are attended by all personnel in M2-05-05. About 40 percent of their time is spent in the field, and about half of that time is spent on the pre-construction phase of the projects. The applicable job description states that the basic qualifications for the position include more than eight years of work-related experience, including at least four years of experience in the design and drafting of gas distribution systems, or the equivalent combination of formal education and training and experience; the

demonstrated ability to make mathematical calculations; and the ability to operate computerized systems such as personal computers and/or computer aided design and drafting systems. See Er. Exh. 4, #240A. Unit Supervisor Cavanaugh compared the gas distribution designers in M2-05-05 with distribution designers in the ETDD and testified that they have very similar jobs, except the ETDD designers do not use Microstation software.

I conclude that the gas distribution designers in M2-05-05, like the gas distribution designers and assistant gas distribution designers in M2-05-02 and the service planners in Department 39 in the ETDD, are technical employees who should be included in the BGE-wide technical unit found appropriate herein. These gas distribution designers perform nearly the same job functions as the gas distribution designers in M2-05-02, and the distribution designers in the ETDD. Like other design personnel included in the BGE-wide technical unit, they gather information; use computers to layout complex designs; and determine the method of construction and the materials needed for the project. They have specialized skills and job duties that require independent judgment. They use their independent judgment to layout the gas design and specify the sequence of construction for main replacements, public work projects and system expansion jobs. When they receive their assignments, they make notations of obstructions, take measurements, and obtain gas detail plates to plot the existing obstructions using CADD. The job requires significant experience and training. In addition to their distinct technical skills and functions, the gas distribution designers are located in a group of trailers with other gas designers, engineers and technical employees, and do not share supervision with any construction or production and maintenance employees. They work under completely different working conditions from production and maintenance employees, using CADD, much like the other design personnel throughout BGE whom I have found to be technical employees herein. They share no common supervision with production and maintenance employees and their contact with them is basically limited to collecting information to assist with the preparation of designs. They perform similar technical work under similar working conditions as other technical design personnel in the ETDD and GDD, are paid comparably to other technical employees in pay grade 30 and receive the same benefits as other technical employees. In these circumstances, I conclude that the gas distribution designers in M2-05-05 are technical employees who should be included in the BGE-wide technical unit in 5-RC-14908.

Assistant Gas Distribution Designer M2-05-05

The assistant gas distribution designer position in M2-05-05 was vacant at the time evidence was taken regarding the Gas Distribution Division. As a result, evidence regarding this position was not received other than the applicable job description. Petitioner argues on brief that this classification should not be included in any unit since BGE presented insufficient evidence concerning the assistant gas distribution designers and BGE's organizational chart shows no incumbents in this position. BGE argues that evidence was taken, however, with respect to the assistant gas distribution designer in M2-05-02. BGE asserts on brief that the jobs are comparable and should be treated in the same manner.

As noted above, after the close of the hearing the parties stipulated to the following: There are now three ASSISTANT GAS DISTRIBUTION DESIGNERS (050A) – one new position, and two who transferred from M2-05-02. This job has the same duties as testified under M2-05-02.

For the reasons set forth above when discussing the assistant gas distribution designers in M2-05-02, I conclude that the assistant gas distribution designers in M2-05-05 share a sufficient community of interest with other technical employees throughout BGE. Accordingly, I shall include the assistant gas distribution designers in 52-05-05 in the BGE-wide technical unit found appropriate in 5-RC-14908.

Principal Administrative Assistant (formerly M2-05-05)

The parties stipulated that this classification was transferred to M2-05-04, discussed below.

GAS MAINTENANCE & CONSTRUCTION DEPARTMENT M3

Gas Safety and Training Unit – M3-00-02 –Supervisor, Dennis C. Blessing

The Gas Safety and Training Unit is responsible for a variety of types of training for employees of the Gas Division, as well as contractors and other construction crew employees. This Unit is housed in the Pumphrey Training Center facility, which is used both by M3-00-02 and by the Gas Service Section, M3-05-01. These employees share kitchen and bathroom facilities. All of the weekly employees in M3-00-02 may work flex time, although they generally start working at 6:30 a.m. because the classes begin at 7:00 a.m. Most of the training that these employees provide is required by federal and state regulations. About 30 percent of the training is given to employees of contractors. All employees in M3-00-02 share common supervision.

The positions of underground crew leader, training technician and safety specialist are in dispute. The Petitioner would exclude these positions. BGE contends that these positions share a community of interest with field construction personnel and should likewise be included in the BGE-wide production and maintenance unit.

Underground Crew Leader -- M3-00-02

The underground crew leader in M3-00-02 is in pay grade 30. He is supervised by the Unit supervisor, who also supervises the training technicians and safety specialists. The underground crew leader in M3-00-02 holds that position on a two-year rotating basis. The Gas Safety and Training Unit plans to lend this employee to other organizational units so that he or she can train new mechanics or provide training to other field personnel who need training regarding specific skills. The Sections to which this individual may be loaned fall under M3-00-01, specifically the Gas Service Section, M3-05-01; the Gas Construction Section, M3-08-01; and the Gas Maintenance and Construction Support Section, M3-09-01. The underground crew leader will work with the mechanics in those Sections, physically performing the construction work as a partner, while showing the other employee how to perform various tasks. He or she will use the same tools as the underground crew leaders in those Sections typically would use, such as punch tools, wrenches, and fusing equipment, and operate the truck. This position was created in July 1999, and the incumbent had not been loaned to any Section at the time of the hearing. The Employer also plans to use this position for a variety of other training functions at the Pumphrey Training Center, such as safety training, highway flaggers training, ethics in the workplace, and workplace violence.

Since the position was created in July 1999, the underground crew leader has been participating in training classes and developing evaluations that will be used in the near future. In addition, the incumbent has been conducting backhoe training sessions at the Pumphrey Training Center, which last about three days, with small groups of employees. While conducting that training, the underground crew leader operates the backhoe while explaining the functions to the trainees, who work in the Gas Facility Maintenance Unit, M1-02-04. Employer's Exhibits 466 and 467 represent the backhoe and crew truck which are used by the underground crew leader and are also used by pipe fitters, mechanic trainees and gas plant mechanics. The underground crew leader also has provided the "hands on" portion of a seven-

week training session regarding operators qualifications for about 20 employees, who are crew leaders, mechanics, and inspectors from M3-08-01, M3-08-03, -04, -05, -06, -07, and -09, M3-09-01, -02, -03, and -04. That training involved corrosion, which includes pipe wrapping, thermite welding and pipe imperfections.

I conclude that the underground crew leader in M3-00-02 shares a sufficient community of interest with production and maintenance employees to be included in the BGE-wide production and maintenance unit. I note that the underground crew leader is in this unit on a two-year rotation. He trains mechanics, pipe fitters, gas plant mechanics and senior pipe fitters on fundamental issues concerning service renewals, trench digging, tapping, fusings and other production and maintenance functions performed in the field. The training takes place in the shop or in the field. He uses the same tools as the underground mechanics and has a crew truck with a full complement of tools. He also trains crews on operating backhoes and operates the backhoe to demonstrate how it works. He shares unit supervision with the training technicians and safety specialists, whom I have included in the BGE-wide production and maintenance unit, as explained below. In short, the underground crew leader in M3-00-02 is a production and maintenance employee who shares a sufficient community of interest with employees in undisputed production and maintenance positions. Accordingly, I shall include the underground crew leader in M3-00-02 in the BGE-wide production and maintenance unit.

Training Technician -- M3-00-02

There are three training technicians in M3-00-02 who spend most of their time providing training that is required by various state and federal regulations. Their Group was formed about four years before the hearing. Some of them worked at BGE's Timonium Service Center as gas service employees before becoming training technicians. They provide classroom training and hands-on training regarding re-lighting issues, plastic pipe fusion, steel installation, meter installation, and plumbing. The classes are attended by employees in M3-05-01, M3-08-01, and M3-09-01, and by others, such as fire department employees, employees of contractors, and gas fitters. The meter installation classes, which take up to six hours, also are attended by meter readers in L4-09-01. The re-light classes teach the safe ignition of the gas supply to an appliance after it has been serviced, such as a water heater. When appropriate, the training technicians wear protective clothing such as safety glasses and gloves, and they use tools such as pipe wrenches. The steel installation class lasts about three days, and has been conducted for employees in New Business, URD Construction, 39-11

The training technicians, as well as the underground crew leader and the safety specialists in M3-00-02, conduct safety audits in the field when they are not conducting training or otherwise engaged. The Pumphrey Training Center receives daily logs from Spring Gardens showing where crews are working. When personnel from M3-00-02 are available, they go to as many as four work sites a day and complete safety audit forms. The information from those forms is entered into a computer, and the results are used in meetings and training sessions. The training technicians spend about 20 percent of their working time conducting safety audits, as does the underground crew leader, while the safety specialists spend about 30 percent of their time doing so. The applicable job description, Employer's Exhibit No. 4, Job No. 087-B, is accurate with respect to this classification, except that it does not include the safety audit function.

The training technicians have regular and substantial contact with production and maintenance employees throughout BGE and must possess the same skills and hands-on experience to perform their training tasks. For example, the meter installation class involves a review of BGE's construction standards and hands-on training with regard to building a meter. The training technicians also review the various types of regulators and setups. In the course of the instruction, they use various hand tools. These classes are provided for all of the construction crews in the Gas Service Section (M3-05) and the

Gas Construction Section (M3-08). The training technicians also provide training concerning re-lighting appliances to the underground mechanics and underground crew leaders in M3-04 and the gas mechanics in M3-05. Live gas is hooked up to each appliance so that the trainees can be taught how to correct various problems under real conditions. The training technicians also teach steel installation to crew leaders and mechanics in the New Business Unit 39-11-07 of the ETDD. Moreover, the training technicians, underground crew leader and safety specialists in M3-00-02 share common supervision, are paid comparably to other production and maintenance employees, and all perform safety audits in the field on a variety of jobs and job functions to assess trends. In these circumstances, I conclude that the training technicians in M3-00-02 share a sufficient community of interest with production and maintenance employees and should be included in BGE-wide production and maintenance unit found appropriate.

Safety Specialists -- M3-00-02

There are two safety specialists in M3-00-02 in pay grade 30. They provide training regarding OSHA and EPA topics, as well as state highway training. The safety specialists attend monthly safety meetings for various groups, where they make presentations. They also attend safety tailgate meetings. In addition, the safety specialists spend about thirty percent of their time performing safety audits in the field. Those audits do not result in written reports, but the data from those audits are entered into a database and are used for various presentations regarding safety. About 25 percent of their time is spent investigating near misses with respect to safety. A near miss is an incident that could have caused injuries or fatalities. The safety specialists investigate such incidents, conduct research, and recommend equipment that will improve the safety situation. For example, they recommended the replacement of certain lights in favor of others that were less likely to be a source of ignition and the replacement of coveralls and hoods with items made of a safer material. They work with approximately five safety committees within BGE. One of the safety specialists is responsible for keeping BGE's written safe work practices up to date. They design plans for highway flaggers and the placement of traffic cones at work sites.

During large outages, safety specialists, as well as the training technician in M3-00-02, turn off meters in the affected location and, when repairs have been made, turn on the valves and re-light the appliances. The re-lighting procedure includes turning on the valve, purging the line, checking for leaks, and lighting the appliance. When responding to large outages, the safety specialists wear the usual protective clothing.

Employer's Exhibit No. 4, Job No. 663-A, is accurate, except that the safety specialists do not, contrary to that document, prepare reports and recommendations of corrective action, and the "work smarter proposals" described there are handled through a new program referred to as the "Idea Pipeline."

I conclude that the safety specialists in M3-00-02, like the underground crew leader and training technicians in that unit, share a sufficient community of interest with production and maintenance employees to be included in the BGE-wide production and maintenance unit. They share supervision with the underground crew leader and training technicians, who I have included in the BGE-wide production and maintenance unit. Contrary to Petitioner's contentions on brief, I find that their duties bear directly on gas distribution and safety in the production process. They attend monthly safety meetings and tailgate safety meetings for production and maintenance employees and they perform near-miss audits and safety audits, complete vehicle incident reports, and are involved in flagger training for work zone traffic management. They follow up and investigate near misses by talking to crew leaders and mechanics to determine if procedures or equipment can be changed to make the process or equipment safer. They perform some hands on production and maintenance work in the field. For example, on a

large gas outage, the safety specialists and training technicians are dispatched to the field to assist with turning off meters and then turning them back on once the situation has been remedied. As noted, in order to turn the gas meters back on, they are required to purge the customer's gas lines, re-light all gas appliances and perform a safety check of the appliance that includes checking for leaks. When performing this field work, they wear standard safety equipment. In these circumstances, I conclude that the safety specialists in M3-00-02 share a sufficient community of interest with the underground crew leader and training technicians in that unit and with other employees in undisputed production and maintenance positions to include them in the BGE-wide production and maintenance unit.

**Gas Maintenance and Repair Section – M3-04-01 – Gen. Sup. Richard H. Walden
Planning and Support Unit -- M3-04-04, Sup. Burton Jackson**

The Gas Maintenance Repair Section is composed of six Gas Maintenance and Repair Units. The Section performs routine maintenance for BGE's gas system and responds to gas emergencies such as struck lines, routine leaks, reports of gas in buildings, and other situations considered to be dangerous. Each Gas Maintenance and Repair Unit in the M3-04-04 through M3-04-09 performs the same functions. Each Unit has six or seven crews consisting of an underground crew leader and an underground mechanic. The senior administrative assistant and the principal administrative assistant, discussed below, spend over 90 percent of their time in the Section's office area and work on a flex time schedule. The underground crew leaders and underground mechanics enter the office only to pick up their paychecks, deliver timesheets and other information, or to ask questions regarding payroll problems. This Section operates on a 24-hour basis.

The Gas Maintenance and Repair Units in M3-04 are responsible to maintain the gas distribution system by providing routine maintenance and responding to emergencies. In addition, they do leak repair work for survey and repair. There are three positions in dispute in the Gas Maintenance & Repair Section. They are the senior administrative assistant, the principal administrative assistant and the gas project planner. During the course of the hearings, the senior administrative assistant and principal administrative assistant were transferred from M3-04-01 to a new unit called Planning and Support which is M3-04-04. The gas project planner position is a new position.

Planning and Support Unit (M3-04-04)

The Planning and Support Unit was established on March 28, 2000 to address the backlog of work orders concerning gas leaks. Prior to that date, M3-04-04 was the number used to reference the Maintenance and Repair Unit, which was also supervised by Burton Jackson. The Planning and Support Unit is responsible for the initial planning of repair jobs for crews that perform field-related work. The Unit is composed of one operations analyst in pay grade 77; three gas project planners in pay grade 31; one principal administrative assistant in pay grade 28; and one senior administrative assistant, who also is in pay grade 28. All employees in the Unit share common supervision by Mr. Jackson. The Unit was created to provide the planning of leak repair jobs for the Gas Maintenance and Repair Section. As noted, the principal administrative assistant and senior administrative assistant transferred from M3-04-01, although their duties have not changed. Prior to March 28, 2000, the principal administrative assistant, Olga Mitchell, and the senior administrative assistant, Victoria Nelson, reported directly to General Supervisor Walden in M3-04-01. Their duties in the newly formed M3-04-04 will be virtually identical to those they previously performed in M3-04-01. As noted, the disputed positions in this unit are three gas project planners, one principal administrative assistant and one senior administrative assistant. The Petitioner contends that none of these three job classifications should be included in any collective-bargaining unit found appropriate. BGE would include these classifications in the BGE-wide production and maintenance unit.

Gas Project Planners -- M3-04-04

At the time of the hearing, the functions of this position, which was created in March 2000, were planned and were expected to commence in the very near future, but had not yet begun. This classification was created in March 2000. At the hearing, BGE witness, Burton Jackson, testified that three individuals had been selected to fill all of the positions and were scheduled to report to work at the Maintenance and Repair Section area of the first floor of the OSF Building at Spring Gardens, but they had not yet started working as a gas project planner. Thus, Jackson testified about what he envisioned these employees will do once they begin working in this position.

Jackson testified that the duties of the gas project planners will include obtaining gas prints, prints showing underground telephone lines, prints of steam pipes, cable prints, underground electrical prints, and gas detail plates when a leak is reported by BGE's leak surveyors, other employees, or customers. The gas project planner assigned to a particular leak then will order materials that he or she anticipates will be needed for the repair. They will not have the authority to purchase materials without the approval of the Unit supervisor. On some occasions, the gas project planner will visit the site of the leak to obtain information regarding the need for highway flaggers or other needs that would not be apparent from the documents described above. They will use their personal vehicles to visit the sites, and they will use appropriate safety equipment such as hard hats, safety vests, safety glasses, and steel-toed shoes if needed. In addition, they will visit sites while work is in progress. Their hours of work will be from 7:00 a.m. to 3:30 p.m., to accommodate the underground crew leaders from M3-04-05 through -07, most of whom work shifts that start at 7:30 a.m.

The gas project planners will compile job jackets that will be picked up by underground crew leaders and underground mechanics each morning from their supervisor. At that time, the gas project planner will be available to answer questions from the field crew. When the job is completed, the underground crew leader will hand the job jacket to the gas project planner and discuss any details regarding the job that need to be noted in the file. For example, if the underground crew leader believes that services near the repaired services should be examined or updated, he or she would inform the gas project planner. The gas project planner will then visit the site to investigate that information.

In addition, the gas project planners will have access to BGE's computerized leak management system (LMS), and will use that information to manage the backlog of orders for leak repair work. In that way, repair work can be planned on the basis of geographic convenience and the length of time that particular orders have been outstanding. The urgency of a particular reported leak also will be considered. The work of the gas project planners will be divided into three geographic sectors, one for each of those employees.

The basic qualifications for this position, as described in the February 29, 2000, posting and the applicable job description (Er. Exh. 4, Job No. 358D) include over six years of experience in craft disciplines associated with gas construction and maintenance or the equivalent combination of formal education/training and experience; knowledge of Gas Distribution Standards, Gas Division Safe Work Practices, construction techniques, and maintenance practices; knowledge of the Critical Path Analysis Method; and the ability to use software such as Excel, Word, Microsoft Project, and Access. Two of the three successful applicants for the gas planner positions had several years of experience as underground crew leaders in M3-04, while the third had experience as a senior administrative assistant in M3-09 and M3-08. The gas project planners will spend a substantial percentage of their time in the office, although it was not clear at the time of the hearing whether most of their time will be spent there. BGE expected that the gas project planners would be operating, as planned, by the end of July 2000.

I conclude that the gas project planners in M3-04-04 do not share a sufficient community of interest with production and maintenance crews in the field, who are performing physical production work or repairing gas leaks, to be included in the BGE-wide production and maintenance unit. Initially, I note that the record testimony is speculative. It is expected that the planners will spend the majority of their time in the office and will usually be present in the field before any physical work has begun. There is no indication in the record that the planners themselves will perform any physical work. Their work contact with the crew leaders will be limited to a short period in the morning, and perhaps another short period in the afternoon, should the crews report back early. Their job duties are different than those of the crew, and they report to different supervision. In these circumstances, I shall exclude the gas project planners from the BGE-wide production and maintenance unit.

Principal Administrative Assistant - M3-04-04
Senior Administrative Assistant - M3-04-04

These classifications work in an office environment on the first floor of the OSF building where they spend ninety percent of their time. They sit in cubicles surrounded by the monthly analyst, supervisors and the construction inspectors, who are out of the office most of the time. They work a flex-forty schedule.

The principal function of the principal administrative assistant in M3-04-04, Olga Mitchell, is to record information from timesheets and to input that information on the back of X-orders. An X-order is a job order that is created from information provided by a surveyor if a leak is found. That information is sent to Dispatch, which creates the X-order. The principal administrative assistant also prepares a weekly report regarding all leaks. She also works with gas facility reports that are required to be made by DOT whenever a facility is exposed to gas, in which case an inspection is conducted and repairs are made, if necessary. The principal administrative assistant reviews the gas facility reports for accuracy and speaks to the crew leader if more accurate information is required. She spends about 30 percent of her time working with gas facility reports. In addition, she fills in for the senior administrative assistant when she is absent due to vacation or illness. From 1994 to 1998, the current principal administrative assistant worked as a survey and repair planner in 58-13-02 and M3-04-02. Her duties in that position included all of her current duties, as well as serving as a work leader.

The senior administrative assistant in M3-04-04 is Victoria Norton. She functions as a timekeeper and she orders materials. She also works with damage reports involving struck gas lines. The senior administrative assistant works in a cubicle near the Section's supervisors and operations analyst, and near underground construction inspectors from M3-09, on the first floor of the OSF Building at Spring Gardens. The timesheets that she uses for timekeeping records are prepared by the field personnel, who deposit them in a bin near her desk. When confronted with inaccuracies in the timesheets, she contacts the employee's supervisor or the crew leader to obtain the accurate information. She records the information from the timesheet in the TAWS software program.

Crew leaders prepare struck line reports and forward them to Gas Dispatch. Gas Dispatch records that information in the WMS system and sends the crew leaders' reports to the senior administrative assistant in M3-04-04. She then checks the reports for errors and forwards them to Supervisor John F. Lang, M3-04-08. If she needs additional information, she may contact the crew leader involved. The reports are then used for billing purposes.

With respect to ordering materials, crew leaders fill out order forms and place them in a bin near the senior administrative assistant's desk. The senior administrative assistant then inputs that information into the computer system. Occasionally, she contacts the crew leader to obtain more accurate information

about the materials that were ordered. If the materials do not arrive, the crew leader informs the senior administrative assistant, who investigates the status of the order. The senior administrative assistant fills in for the principal administrative assistant when the latter is on vacation or sick. That function accounts for about 10 percent of her time. She attends Section meetings with all other employees in M3-04.

I conclude that the principal administrative assistant and the senior administrative assistant in M3-04-04 are office clerical employees who should be excluded from any of the units found appropriate herein. They work exclusively in an office environment on the first floor of the OSF building where they spend ninety percent of their time. They sit in cubicles surrounded by the monthly analyst, supervisors and the construction inspectors, who are out of the office most of the time. They work a flex-forty schedule, while the crews in the field work shifts. They have different skills and functions than production and maintenance or technical employees and they spend the vast majority of their time performing typical office clerical functions such as inputting information into a computer. For example, the senior administrative assistant inputs time sheets into a computer for payroll purposes and orders materials through a computer system. The principal administrative assistant inputs information from time sheets and data from forms concerning the number of leaks pending, and produces a report that is distributed to management. There is no evidence in the record that they have any significant contact with production and maintenance employees or technical employees other than to ensure that time sheets or leak forms are filled out correctly. This communication is over the phone or radio or during the short periods of time that the crews are in the office. In these circumstances, I conclude that the principal administrative assistant and senior administrative assistant in M3-04-04 are office clerical employee, who do not share a community of interest with employees in any of the units found appropriate herein and are excluded from any of the units found appropriate herein. Power, Inc., 311 NLRB 599, 608, affirmed, 240 F.3d 409 (D.C. Cir. 1994); Mitchellace, Inc., 314 NLRB 536, 536-37 (1994), enforced, 90 F.3d 1150 (6th Cir. 1996); Cook Composites & Polymers Co., 313 NLRB 1105, 1108-09 (1994); Avecor, Inc., 309 NLRB 73, 75 (1992); Jackel Motors, 288 NLRB 730, 742 (1988); Container Research Corp., 188 NLRB 586, 587 (1971).

Maintenance & Repair Unit (M3-04-08)

The parties stipulated to the following paragraph:

This unit has been disbanded. The UG MECHANICS and the UG CREW LEADERS positions formerly in this unit have been transferred to M3-04-05, M3-04-06, M3-04-07 and M3-04-09.

Maintenance & Repair Unit (M3-04-05)

The parties stipulated to the following paragraph:

The previous complement of seven (7) UG CREW LEADER (109B) has been increased to ten (10). There are nine (9) incumbents, two of whom were either promoted or transferred from M3-04-08, with one (1) vacancy to be filled.

Maintenance & Repair Unit (M3-04-06)

The parties stipulated to the following paragraph:

The previous complement of seven (7) UG MECHANIC (110B) has been increased to ten (10). There are ten (10) incumbents, three of whom were either promoted or transferred from M3-04-08. The

previous complement of six (6) UG CREW LEADER (109B) has been increased to ten (10). There are ten (10) incumbents, four of whom were either promoted or transferred from M3-04-08.

Maintenance & Repair Unit (M3-04-07)

The parties stipulated to the following paragraph:

The previous complement of seven (7) UG MECHANIC (110B) has been increased to ten (10). There are seven (7) incumbents, with three (3) vacancies to be filled. The previous complement of six (6) UG CREW LEADER (109B) has been increased to ten (10). There are nine (9) incumbents, three of whom were either promoted or transferred from M3-04-08, with one (1) vacancy to be filled.

Maintenance & Repair Unit (M3-04-09)

The parties stipulated to the following paragraph:

The previous complement of six (6) UG MECHANIC (110B) has been increased to ten (10). There are six (6) incumbents, with four (4) vacancies to be filled. The previous complement of seven (7) UG CREW LEADER (109B) has been increased to ten (10). There are nine (9) incumbents, two of whom were either promoted or transferred from M3-04-08, with one (1) vacancy to be filled.

Gas Service Section - M3-05-01 to -08

The Gas Service Section is responsible for responding to gas leaks, calls regarding a gas flow interruption, and customer concerns with regard to safety. The personnel who report to the scene of a potential safety problem are gas mechanics working in M3-05-02, -03, (former -04,) -05, and -08, whose eligibility is not at issue. All of the gas mechanics are licensed by the City of Baltimore as journeyman gas fitters, and about 20 percent of them hold master gas fitter licenses. The gas mechanics are housed at Cockeysville (M3-05-02), Perry Hall (M3-05-03), and the Pumphrey Service Center (M3-05-05). Unit M3-05-08 is the midnight shift unit and is housed at Spring Gardens in the OSF Building. The gas mechanics are the first to respond to a reported gas leak. Gas mechanics are available on emergency response 24 hours a day, seven days a week, 365 days a year. BGE operates a central dispatch system to provide this emergency response service. The gas mechanics interact with meter readers. First, if a meter reader smells gas, the meter reader is responsible for reporting the emergency and must stand by at the premises until the gas mechanic arrives. Second, the meter reader communicates to the gas mechanic the need to change a meter.

After the close of the hearing, the parties stipulated to the following four paragraphs concerning the Gas Service Sections in M3-05: The Gas Service section is now comprised of the Gas Dispatch Unit (M3-05-06) and the three service units that are dispatched; M3-05-02, M3-05-03, and M3-05-05. The former service unit M3-05-04, which reported out of Spring Gardens, has been disbanded. The GAS MECHANICS (243A) from M3-05-04 have been transferred to the other service units within the Gas Service Section (M3-05). The Midnight Service Unit (M3-05-08) (Spring Gardens) remains intact. The Gas Service Section (M3-05) unit complements below reflect the transfer of the M3-05-04 complement to the other Gas Service units, as follows:

Gas Service (Cockeysville) Unit (M3-05-02)

The number of GAS MECHANICS (243A) has been increased to 22 with the transfer of 5 Gas Mechanics from M3-05-04 plus one newly established complement position.

Gas Service (Perry Hall) Unit (M3-05-03)

The number of GAS MECHANICS (243A) has been increased to 22 with the transfer of 6 Gas Mechanics from M3-05-04.

Gas Service (Pumphrey) Unit (M3-05-05)

The number of GAS MECHANICS (243A) has been increased to 22 with the transfer of 6 Gas Mechanics from M3-05-04.

I note that the only classifications in dispute in Section M3-05 are the senior administrative assistants in M3-05-01 and the principal administrative assistants in M3-05-06. BGE would include these classifications in the BGE-wide production and maintenance unit and the Petitioner would exclude them.

Senior Administrative Assistant – M3-05-01

The senior administrative assistants in M3-05-01 are in pay grade 26. Two of the senior administrative assistants work on the first floor of the OSF Building at Spring Gardens, near the principal administrative assistants in M3-05-06. In general terms, they work in a typical office environment. A flex time schedule is available to them. They are responsible for maintaining a six-week schedule for the gas mechanics, and they input hours of pay, overtime, and other payroll and scheduling information regarding the gas mechanics into a computer. They also use the Field Force Management System to input information regarding the number and location of gas mechanics, on the day before any particular workday, so that the information is available to the principal administrative assistants in M3-05-06. Special requests regarding scheduling are noted by the senior administrative assistants. About 40 percent of their time is spent on such tasks. They also perform clerical and administrative work for the supervisor and the operations analyst, who is a work leader in M3-05-01. In addition, they receive requests from gas mechanics for vacations and schedule changes. On rare occasions, the senior administrative assistants fill in for principal administrative assistants in M3-05-06 and ride with service men.

One of the senior administrative assistants in this Unit works at the Pumphrey location rather than at Spring Gardens. His or her function is to schedule training classes for gas mechanics, ETDD personnel, and for outside contractors. She also is responsible for administrative work required by the Maintenance and Repair Department. At the time of the hearing, this position was vacant. BGE planned to fill the job and place the new person at Spring Gardens, assigned to M3-05-06, although there were no senior administrative assistants in that Unit at the time of the hearing.

The senior administrative assistants obtain their skills through on-the-job training. Typically, a new employee with clerical skills can learn the job within a few weeks. In 1996, this classification was called senior services clerk in 58-14.

I conclude that the senior administrative assistants in M3-05-01 are office clerical employees who should be excluded from any of the units found appropriate herein. They have different skills and functions than production and maintenance or technical employees and they spend the vast majority of their time in an office performing typical office clerical functions such as scheduling, handling payroll, and responding to requests for vacation. They perform these tasks by moving information from one computer system to another computer system. They also perform clerical-administrative work such as typing projects for the general supervisor or the operations analyst. They do not share supervision or interchange with any field/construction or technical personnel. In these circumstances, I conclude that the

senior administrative assistants in M3-05-01 are office clerical employees who should be excluded from any of the units found appropriate herein. Power, Inc., 311 NLRB 599, 608, affirmed, 240 F.3d 409 (D.C. Cir. 1994); Mitchellace, Inc., 314 NLRB 536, 536-37 (1994), enforced, 90 F.3d 1150 (6th Cir. 1996); Cook Composites & Polymers Co., 313 NLRB 1105, 1108-09 (1994); Avecor, Inc., 309 NLRB 73, 75 (1992); Jackel Motors, 288 NLRB 730, 742 (1988); Container Research Corp., 188 NLRB 586, 587 (1971).

Dispatch Unit – M3-05-06

Principal Administrative Assistant – M3-05-06

The principal administrative assistants in M3-05-06 are in pay grade 28. They work in the OSF Building at Spring Gardens, near the first floor men's locker room. In general terms, they work in an office environment and spend approximately 95 percent of their time working in front of computer screens. They work shifts like the gas mechanics. Their shifts are 7:00 a.m. to 3:00 p.m., 3:00 p.m. to 11:00 p.m., and 11:00 p.m. to 7:00 a.m. The gas mechanics report to work in an area near the same hallway where the principal administrative assistants work, but the gas mechanics do not share supervision with the principal administrative assistants. The gas mechanics spend about 15 minutes in that area at the beginning of their shift, and another 15 minutes at the end. In addition, the gas mechanics visit that area at various times to obtain necessary materials.

The principal administrative assistants perform the dispatch function for this area of BGE's operations. They use LAN line telephones, BGE's Nextel telephone/walkie-talkie system, BGE's 800-megahertz radio system, LAN-based computers that are attached to BGE's CIS system, an electronically computerized dispatching system called the field force management system, BGE's paging system, and BGE's Leak Management System (LMS) software to support the Maintenance and Repair Department, M3-04-01.

If a customer calls BGE to report a leak, the call is received by personnel in the Customer Communications Center at the Lexington Building or Dorsey. The employee who receives the call types the information into the CIS system, and the information is transmitted to a monitor at Spring Gardens, where these principal administrative assistants work.

When a principal administrative assistant receives a report of a leak, he or she prepares a "job jacket," containing the address of the reported leak; service information regarding the connection from the main to the affected building; and the underground mud piping plan for the geographical area. The job jacket is given to the crew leaders and underground mechanics in M3-04 so that they will have safety information in case of excavation.

When receiving a report of a leak, a principal administrative assistant notifies the supervisor of a particular territory within Maintenance and Repair, M3-04-01. That supervisor then determines which crew will be sent to the site. In about half of the occurrences, however, that supervisor is not available, and the principal administrative assistant dispatches the crew. When doing so, the principal administrative assistant gives the crew leader the location, the grid, the gas plat number, and any other pertinent data. Such dispatching is done using the Nextel phone, a telephone, or the 800-megahertz radio system. After a crew is dispatched to repair or investigate a reported leak, the crew leader may decide that a Miss Utility marking is needed or, if a hole must be made in a street, that a steel plate is needed. In such cases, the crew leader calls the principal administrative assistant with the request, and he or she contacts Miss Utility or the steel plate contractor. The principal administrative assistant also occasionally handles requests from crew leaders for other materials that are needed for repair. In order to remain

aware of the location of the various crews in case they are needed for a leak repair, principal administrative assistants receive schedules of those locations in the morning, and crew leaders call them during the day to report changes in the locations of the crews.

In other gas leak situations, the principal administrative assistants dispatch gas mechanics who also work in M3-05. For example, personnel from the Customer Care Unit may receive a call from a customer reporting a strong odor of gas. The call is then transferred to a principal administrative assistant, who asks pertinent questions to the customer and, if necessary, advises about evacuation procedures. The principal administrative assistant then checks the computer screen to determine which gas mechanic is available and close to the reported leak site. He or she then alerts the gas mechanic, who has a computer in his or her truck. The relevant information regarding the location and nature of the problem also is conveyed by computer to the gas mechanic. When the gas mechanic arrives at the site, if there is a struck blowing line or a fire, he or she calls the principal administrative assistant or the dispatch supervisor to describe the problems, and the principal administrative assistant dispatches a crew from Maintenance and Repair, M3-04. These more serious situations arise about 50 to 60 times per month.

In addition, gas mechanics frequently call principal administrative assistants for help in locating the sites of reported problems. In such cases the principal administrative assistant attempts to look up a location or directions on a map. The principal administrative assistants also call gas mechanics to convey various personal messages.

Other tasks performed by the principal administrative assistants include scanning documents into imaging systems, particularly on the midnight shift. On rare occasions, they ride with gas mechanics during phase 2 snow emergencies to stay with the service van or move the van because parking is not permitted.

In addition to the gas leak dispatch functions described above, the principal administrative assistants in M3-05-06 provide services for the Customer Care Center by speaking to customers on the telephone to tell them what progress has been made regarding a request for service. They receive their information on a computer screen using the Field Force Management System or its LMS System. The Field Force Management System tracks when crews are needed, when they are dispatched, when they arrive at the job, and when they leave. Also, these principal administrative assistants dispatch crews to turn on service pursuant to requests from the Retail Services Department. The principal administrative assistants also dispatch gas mechanics in M3-05 to report to the scene of a downed electrical transmission wire until an EOB person arrives at the scene. Such actions are initiated by a call from a service operator at the EOB Building to a principal administrative assistant in M3-05-06.

Principal administrative assistants typically start working for the Employer as clerical employees and obtain necessary skills through on-the-job training. In addition, they attend BGE-prepared training regarding the CIS System, the field force management system, and other related topics. In 1996, nine of the principal administrative assistant positions were called dispatch clerks or dispatchers, in 58-14-06.

I conclude that the principal administrative assistants are dispatchers who do not share a sufficient community of interest with gas mechanics or other production and maintenance employees to be included in the BGE-wide production and maintenance unit. They have different skills and functions than production and maintenance employees and they work under different working conditions. They spend almost all of their work time in an office dispatching jobs either directly to crews or to a supervisor who assigns a crew. They perform their dispatch function either by communicating with the supervisors and crews via telephone, radio, and computer or creating a job jacket and placing it in bin for the crew leader. Most dispatching is by computer and the principal administrative assistants spend almost all of their time

monitoring and inputting data into various computer systems. Although they work on shift, they do not share supervision with any production and maintenance employees and there is no evidence that they ever do any physical production and maintenance work in the field. In sum, the principal administrative assistants spend all their time in a separately situated office area performing dispatching duties with no shared immediate supervision and there is insufficient evidence of work-related interactions or interchange with production and maintenance employees to warrant their inclusion in the BGE-wide production and maintenance unit. In these circumstances, I shall exclude the principal administrative assistants from the BGE-wide production and maintenance unit found appropriate in 5-RC-14909. See Ferguson-Steele Motor Co., 76 NLRB 1122, 1124-25 (1948); Cablevision Systems Development Co., 251 NLRB 1319, 1323 (1980).

**Gas Construction Section – M3-08-01 – General Supervisor,
Robert E. Lewis, Jr.**

The Gas Construction Section is responsible for capital maintenance and capital construction work. Gas construction consists of BGE field crews (M3-08-03 to M3-08-09) that are involved in various types of gas construction work. These employees install new gas mains and replacement mains, and they relocate mains. At the time of the hearing, there were five underground construction units and one construction support unit within that Section. The underground crew leader position in M3-08-01 no longer exists. The employee in that classification became an underground construction inspector in M3-08-03.

After the close of the hearing, the parties stipulated to the following six paragraphs concerning M3-08-03, -04, -05, -06, -07 and -09:

Construction Support Services Unit (M3-08-03)

Five of the six Certified Welders and all four of the Pipeline Mechanics have been transferred to Unit M3-08-09. Job duties are unchanged. A new complement of 6 UG MECHANIC (110B) and seven (7) UG CREW LEADER (109B) has been created. The job duties of these positions are identical to those of UG Mechanics and Crew Leaders in the above M3-04 Maintenance & Repair units and M3-08 Construction units.

UG Construction (Spring Gardens) Unit (M3-08-04)

The complement of one (1) CERTIFIED WELDER (137C) has been eliminated. The position was vacant at the time.

UG Construction (Spring Gardens) Unit (M3-08-05)

This unit has been disbanded to consolidate construction activity in other M3-08 units.

UG Construction (Howard) Unit (M3-08-06)

The position of CERTIFIED WELDER (137C) was vacated and subsequently eliminated.

UG Construction (Cockeysville) Unit (M3-08-07)

The position of CERTIFIED WELDER (137C) was vacated and subsequently eliminated.

UG Construction (Spring Gardens) Unit (M3-08-09)

The complement of four (4) PIPELINE MECHANIC (547A) has been transferred from M3-08-03. There are four (4) incumbents. A complement of five (5) CERTIFIED WELDER (137C) has been transferred from M3-08-03.

I note that the only classifications in dispute in M3-08 are four senior administrative assistants in M3-08-01 and an underground construction inspector in M3-08-03. BGE would include these classifications in the BGE-wide production and maintenance unit and the Petitioner would exclude them.

Senior Administrative Assistant – M3-08-01

There are four senior administrative assistants in M3-08-01 in pay grade 26. They report to the unit supervisor, Robert E. Lewis, Jr. Two of the four senior administrative assistants work at Spring Gardens on the first floor of the OSF building. One of them, Larry Ringold, interacts with field crews by ordering equipment or materials, such as sand or gravel, in response to their requests. He then informs other personnel, such as the chief underground mechanic, where and when such resources must be delivered. He also communicates with BGE's purchasing personnel, usually through the computerized Materials Management System, to ensure the delivery of needed materials. The materials then are delivered to Spring Gardens or to the work site. Chief underground mechanic work leaders or underground crew leaders make requests for materials and equipment to Mr. Ringold. Those requests are received through the Nextel telephone system. Two clerical employees employed by contractors work near Mr. Ringold. They have desks about 10 feet from his desk. These contractor clerical employees spend about 100% of their working time in the office. They perform some duties similar to Mr. Ringold's duties and they interact with him.

The other senior administrative assistant in this Section who works at Spring Gardens is Sandra Jenkins. She primarily closes out paperwork regarding completed jobs by inputting data to update billing information in the CIS system. Ms. Jenkins receives that paperwork from construction supervisors and supervisors in the Maintenance and Construction Support Section and, with respect to contractors, from supervisors in M3-09. The data she inputs includes address meter numbers and delivery pressures, and the locations of the crews that performed the work. BGE uses that information to keep track of work locations. Her reports also are sent to county governments to inform them of work locations. Ms. Jenkins also works as a back up for a senior administrative assistant in the Construction Coordination Unit, M3-09-04, Judy Swan. Those duties involve customer service issues relating to gas construction jobs.

The two senior administrative assistants in M3-08-01, who work at the Howard and Cockeyville locations perform the same work. Their duties are similar to those of Larry Ringold, except that unlike Mr. Ringold, they do not have contact with any contractors or employees of contractors. They are assigned to particular construction units, M3-08-07 at Cockeyville, and M3-08-06 at Howard. The Cockeyville facility includes a small office area where the senior administrative assistant has a desk and frequently interacts with field crews in person, as well as an assembly area. At the Howard facility, the senior administrative assistant has a desk near an area where the crew from M3-08-06 congregates each morning. At those times, he speaks to the crew leaders and chief underground mechanic work leaders regarding their needs for materials and equipment.

All four senior administrative assistants in this Section spend approximately 100% of their time working in their offices, while field crews spend about 95% of their time away from office settings. They may not work on a flex-time schedule, and they do not work with tools or drive trucks.

I conclude that the senior administrative assistants in M3-08-01 are office clerical employees who should be excluded from any of the units found appropriate herein. They have different skills and functions than production and maintenance or technical employees and spend all their time in an office environment performing duties traditionally associated with office clerical employees. They order materials using a computer system, the Materials Management System. Another senior administrative assistant closes out paperwork and prepares work schedules from information received from supervisors. The senior administrative assistant who orders material from Spring Gardens, Larry Ringold, also oversees two contract clerical employees, who also order materials. The senior administrative assistants have little direct contact with production personnel, who spend 95% of their time in the field, other than the minimal amount of time that the crews spend in the office in the morning to communicate what they need, or over the phone during the day. The senior administrative assistants do not interchange with any field/construction or technical personnel. In these circumstances, I conclude that the senior administrative assistants in M3-08-01 are office clerical employees who should be excluded from any of the units found appropriate herein, even though they may occasionally be required to interact with production and maintenance employees. Power, Inc., 311 NLRB 599, 608, affirmed, 240 F.3d 409 (D.C. Cir. 1994); Mitchellace, Inc., 314 NLRB 536, 536-37 (1994), enforced, 90 F.3d 1150 (6th Cir. 1996); Cook Composites & Polymers Co., 313 NLRB 1105, 1108-09 (1994); Avecor, Inc., 309 NLRB 73, 75 (1992); Jackel Motors, 288 NLRB 730, 742 (1988); Container Research Corp., 188 NLRB 586, 587 (1971).

**Construction Support Services Unit -- M3-08-03 -- Supervisor,
Edward J. Mincher**

Only the underground construction inspector classification is in dispute in the Construction Support Services Unit, M3-08-03. Neither party contends that the underground construction inspector is a technical employee. BGE contends that this classification should be included in the production and maintenance unit. The Petitioner would exclude this classification.

Underground Construction Inspector – M3-08-03

George Anthony, the underground construction inspector in M3-08-03, is in pay grade 30. He is in work group 3 and is supervised by the construction technician work leader, who also supervises seven equipment operators in pay grade 28. Mr. Anthony works at the Gray's Ford Road Location in Crofton, Maryland. At that location, BGE collects low-grade sand from a quarry owned by a contractor for use as a construction backfill material. Mr. Anthony handles the paperwork regarding dozens of truckloads of sand that are taken from the quarry each day. The trucks are operated by various contractors, and his position sometimes is referred to as the contractor inspector. This position is a two-year rotational position. The underground construction inspector typically comes from the field ranks. Mr. Anthony and his predecessor in this position worked as crew leaders prior to their service as underground construction inspectors at the quarry, and his predecessor returned to a crew leader position in M3-09-02. Both the crew leader and underground construction inspector positions are paid at grade 30.

Mr. Anthony receives written orders from field crews at various job sites, primarily M3-08-02, -03, -04, -05, -06, -07, and -09, as well as M3-09-02. In addition, he receives orders from the New Business and Distribution Construction Department, Capital Construction Master Section in 39-10-01, typically from a contractor inspector employed by BGE. Mr. Anthony regularly works with a construction technician work leader, Brian McDermitt, in M3-08-03, who performs similar tasks, but Mr. Anthony is the only full-time employee of BGE at the quarry location. Equipment operators from M3-08-03 work there on special projects. The record established that the applicable job description for underground construction inspectors contained in Employer's Exhibit No. 4, Job No. 107B, is not accurate with respect to this specific position. Mr. Anthony attends semi-weekly unit meetings and

quarterly section and department meetings at Spring Gardens. One of the equipment operators in his work group spends about 75 percent of his time at the quarry, and other equipment operators work there occasionally.

I conclude that the underground construction inspector in M3-08-03 does not share a sufficient community of interest with production and maintenance employees to be included in the BGE-wide production and maintenance unit. The underground construction inspector works at a quarry location separate from other included construction personnel such as the welder, pipeline mechanic, or equipment operator. He handles paperwork for trucking contractors who pick up the sand and deliver it to job sites where it is used as backfill. His main contacts are with trucking contractors. The record does not reflect contact with any non-supervisory employees. Thus, he has little, if any contact, with field/construction personnel and he performs different functions than production and maintenance employees under different working conditions. In these circumstances, I shall exclude the underground construction inspector in M3-08-03 from the BGE-wide production and maintenance unit found appropriate herein.

**Contractor Construction Unit --M3-09-02, Supervisor,
Ronald L. Miller**

The Contractor Construction Unit installs new mains, approach mains, and combinations of main gas and electric service at new construction projects. It also handles replacement projects involving gas service. The Unit's office is located at Spring Gardens. The only classification in dispute is the underground construction inspector. BGE contends that this classification should be included in the production and maintenance unit. The Petitioner would exclude this classification.

Underground Construction Inspectors -- M3-09-02

The underground construction inspectors in M3-09-02 are responsible for overseeing, planning, and coordinating the gas construction work. Neither party contends that the underground construction inspectors are technical employees. They monitor contractors' performance and prepare contractor performance reports after each project is complete to evaluate the various contractors with respect to safety and other criteria. In addition, the underground construction inspectors are responsible for recording all documentation of each job, testing pipelines, and coordinating live gas tie-ins. Most of their work involves overseeing contractors. The underground construction inspectors generally work the same hours as the contractor employees at the sites where they are performing their duties. They are supervised by a work leader whose title is construction technician, and by Unit Supervisor Miller, but they do not share supervision with any other employees. The job description in Employer's Exhibit No. 4, Job No. 107B, is correct, but these employees also receive additional training, as described below.

When his or her work on a particular project begins, an underground construction inspector in M3-09-02 is given a package that includes a set of prints and drawings, a bill of materials, and an estimate of costs. That package includes materials prepared by the Financial Management Unit in Gas Business Development, both M2-03 and M2-04. The underground construction inspector checks the package for completeness. Once he or she is satisfied that the package is in order, the underground construction inspector initiates the ordering of the materials that will be needed for the job by filling out a form and giving it to the senior administrative assistant in M3-08-01, who orders the materials by computer or by telephone. Thereafter, the materials are delivered to the job site at a scheduled time. When the materials are delivered to the job site, the underground construction inspector examines them to verify that they match the paperwork. The material deliveries are made by employees in 75-00-01, whom the underground construction inspector meets at the site.

The underground construction inspectors meet in the Unit's office area each morning for about one hour. During that time, they call contractors by telephone to coordinate and plan the day's activities, and they speak with BGE's construction crews to plan live gas main connections and other types of work. In addition, during their time in the office in the morning, the underground construction inspectors call customers and state and county officials to plan pre-construction planning meetings. Furthermore, they speak to BGE employees working in engineering and design to coordinate activities, and they speak to employees in maps and records to assist with the preparation of "as-built" drawings. They also interact with personnel on the second floor of the OSF Building, in Units M2-03-01, -03, -04, and -05.

The underground construction inspectors receive the same ongoing training as the crew leaders and mechanics in M3-08-03, -04, -05, -06, -07, and -09, with respect to fusion training, plastic installation, repair, and all other subjects. Generally, that training is conducted at the Pumphrey Training Center by employees in M3-00-02. In addition, they receive quarterly update training from the Gas Standards Unit, M2-05-03. New Business Construction employees from 31-10 and 31-11 also attend some of those training sessions. Most of the underground construction inspectors have backgrounds as crew leaders, welders, or mechanics in Maintenance and Repair or Gas Construction.

The underground construction inspectors spend about 90 percent of their time in the field. They inspect construction as it progresses on projects being performed by BGE employees or by contractors although, as noted above, their primary responsibilities concern the work of contractors. Their responsibilities include ensuring that service lines are installed properly, that fusions are performed correctly, that the joints have the proper rollback, and that they have been cleaned correctly. In addition, they physically assist others with the work and perform some training at the sites. The underground construction inspectors interact with employees from Engineering and Design at the sites to coordinate the work of field crews, meter personnel, and fleet personnel. When working with contractors' crews and BGE field crews, these employees spend as much as 25 percent of the time during which they are at the sites physically performing construction work, as opposed to inspecting it. In addition, they conduct leak tests required by the Public Service Commission when each installation is complete. The underground construction inspectors need to be present when crew leaders and mechanics in M3-08-03, -04, -05, -06, -07, and -09 perform live gas connections at sites where work other than live gas connections is being performed by contractors. Furthermore, they interact with gas distribution technicians in M1-03-02 when those employees perform pressure control functions. The paperwork they generate at the sites is placed in the folder for each job and turned in to the principal administrative assistant or the senior administrative assistant in M3-08-01.

Each of the 10 inspectors is responsible for 25 to 50 service installations per week. When working at construction sites, they wear the same protective equipment as the underground construction crew employees, such as steel-toed shoes, safety hats, goggles, ear protection, and safety vests. They travel to work sites in automobiles owned by BGE, and they communicate with other personnel by using the Nextel cell phone system and pagers. The underground construction inspectors share RIA goals with employees in M3-08-01 and M3-09-01.

I conclude that the underground construction inspectors in M3-09-02, like the construction inspectors in 36-04-04, share a sufficient community of interest with production and maintenance employees to be included in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909. They do not work exclusively with contractors. Cf. Atlanta Gas Light Co., 158 NLRB 311, 312-13 (1966) (inspectors lacked a sufficient community of interest with the utility's distribution and service employees, where, inter alia, their duties pertained solely to work performed by contractor employees and they had virtually no contact with the utility's distribution and service employees); Browne and Buford, Engineers and Surveyors, 145 NLRB 765, 767 (1963) (inspectors responsible for overseeing contractors'

work were excluded from unit of field survey employees where their contact with field survey employees was only incidental and sporadic). The underground construction inspectors spend 90% of their time in the field with contractors and BGE crews inspecting the construction as it progresses. With regard to inspection duties, they observe the trenching procedures, observe the facility installation, inspect joints, and the depth of trenches. In addition, they physically assist with the construction work and perform hands-on training in the field. They have the same commitment as other BGE employees to get the work done on time and under budget. Like field construction crews, they use shovels, hand tools, locating equipment, test kits, steel-toed shoes, goggles, hard hats and safety vests. They perform field testing to make sure that new pipes are not leaking. They regularly monitor live gas connection by BGE crews. Those crews are in M3-08-04, -05, -06, -07 and -08. The underground construction inspector meets the BGE crews on the job site to go over issues and inspect progress. They are required to remain on site during the entire tie-in procedure. They also interact with other BGE field forces on the job site, including production and maintenance employees from new business construction, meter installation crews, facilities and fleet services employees, and the gas distribution technician or a principal gas distribution technician M1-03-02, whom I have included in the production and maintenance unit. They attend training classes with the overhead construction and meter and installation crews in 39-10 and 39-11 in the ETDD. Concededly, the underground construction inspectors do not share common immediate supervision with production and maintenance employees and primarily inspect work of outside contractors. However, many production and maintenance employees included in the BGE-wide production and maintenance unit, do not share immediate common supervision with other production and maintenance employees who are included in the production and maintenance unit. Moreover, as outlined above, the underground construction inspectors, have similar skills, functions, training, background, and working conditions as production and maintenance employees and they regularly interact in the field with production and maintenance employees to facilitate proper installation of new gas facilities, and they regularly perform some production and maintenance work. Thus, on balance, I conclude that the underground construction inspectors in M3-09-02, like the construction inspectors in 36-04-04 share a sufficient community of interest with production and maintenance employees to be included in the BGE-wide production and maintenance unit found appropriate herein. See Boston Edison Co., 51 NLRB 118, 127 (1943) (construction inspectors included in production and maintenance unit); see also Louisiana Gas Service Co., supra, (same).

**Contractor Maintenance Unit -- M3-09-03, Supervisor
James S. Catonzaro**

The Contractor Maintenance Unit is a support group supporting other groups in construction (M3-08-01) and maintenance and repair (M3-04-01). Its employees perform service renewals, live gas work, corrosion work, joint work, and repair cast iron joints. The only job at issue in this unit is the underground construction inspector. The parties have agreed that the underground crew leader, underground mechanic, underground mechanic B and underground mechanic trainee should be eligible to vote in the BGE-wide production and maintenance unit. All of the weekly employees in this Unit share common supervision from the chief underground mechanic - work leader.

Underground Construction Inspector -- M3-09-03

There are seven underground construction inspectors in M3-09-03. They oversee and direct the work of contractor crews and mixed contractor and BGE crews at construction sites. Eighty to 85 percent of this Unit's work is contracted out. If the work were performed by BGE's employees, there would be no need for the underground construction inspectors. Their primary responsibilities are to inspect and ensure the safety and quality of the work performed by contractors and crews employed by BGE. About 15 to 20 percent of the work performed by underground construction inspectors in this Unit is with two

crews employed by BGE, with the remainder being done by contractor crews. Typically, a contractor's crew has three employees with no equipment, or two employees with a truck. BGE crews have one underground crew leader and one underground mechanic. The BGE crews deal primarily with gas main abandonments and service renewals. Each underground construction inspector in M3-09-03 is assigned to particular contractor crews and BGE crews, and they visit four or five sites per day. The underground construction inspectors direct contractor employees and BGE crews where to dig. They assign BGE crews, if needed. They can order corrections to a contractor's work, and they can order that a job be stopped. An underground construction inspector must approve a contractor's work before the contractor can be paid by BGE. He or she determines whether the contractor's work complies with BGE's quality and safety specifications.

When a job commences at a residential site, the underground construction inspector shuts off the gas supply to the house. While the excavation is being performed, the underground construction inspector may work on paperwork for other projects and inspect the work in progress. After the excavation is completed, the underground construction inspector physically performs the reconnect work inside the residence by working with pipe fittings and by hanging a new meter. That work also is performed by gas service technicians from M3-05-01. The underground construction inspector then re-lights the appliances. That work also is performed by underground crew leaders from BGE's crews. Underground construction inspectors perform that task about 20 or 30 percent of the time, with the remainder of that work being performed by BGE's gas mechanics or by the contractor's employees. The underground construction inspectors spend about 15 percent of their working time on such tasks. The underground construction inspector also tests the meter for leaks at that point; that work also may be performed by gas mechanics from M3-05-02. The underground construction inspector tests the equipment that has been installed in the ground for leaks, along with the contractor or BGE crew members. The tools used by underground construction inspectors in this Unit include tapping machines, wrenches, marking wheels and X-meters.

One example of the type of job at which an underground construction inspector works is a main abandonment job. At such jobs, a contractor crew or a BGE crew from M3-08-01 is digging, and the BGE crew shuts off the main and welds a cap onto it. The underground construction inspector runs the tapping machine that caps the open end of the gas main so that a connection may be made. He uses wrenches, marking tools and an X-meter. Another typical type of job for the underground construction inspector is service renewals. In a typical job, the underground construction inspector obtains a job jacket and then contacts the chief underground mechanic to make arrangements to start the work. A contractor or BGE crew is also notified. The underground construction inspector then goes to the scene and investigates to determine how the job will have to be performed and what type of safety setup may be required. He assigns BGE crews, if necessary. The contractor or BGE crew begins excavation, and the gas is turned off. The renewal process then starts. The contractor crew typically does the inside termination. The underground construction inspector or a gas mechanic from M3-05 makes the reconnection of the gas on the inside. The underground construction inspector also performs the PSC test and the soap test for leaks. He fills out the field form, and the contractor or BGE crew restores the site.

Most of the underground construction inspector's time is spent on service renewal jobs. The initiation of a service renewal job could come from New Business in Dorsey or from Corrosion Control. Such a task begins when the underground construction inspector receives a job jacket or a printed form from the WMS system. The job jacket is prepared by the design group in M3-09-01 or M2-05-02. The underground construction inspector also receives an X order. The underground construction inspector then goes to the site, investigates, calls Miss Utility, makes personal contact with the customer regarding the scheduling, determines whether traffic control will be necessary, and determines whether BGE crews will be needed to work along with the contractor's crew.

Underground construction inspectors receive the same training as underground crew leaders and underground mechanics. They also use the same protective clothing. Most underground construction inspectors have worked as underground crew leaders in the past. They must be knowledgeable regarding construction standards, work practices, and safety regulations. They spend about 90 percent of their time in the field away from their offices, which are located on the first floor of the OSF Building at Spring Gardens. The underground construction inspectors report to their offices in the morning to receive paperwork, make telephone calls, and pick up materials. They use common areas in the OSF Building such as the men's locker room. One underground construction inspector is assigned the task of ordering materials for the contractors, which are delivered to the contractors' yards. Those material orders are given to the senior administrative assistant in M3-08-01.

Occasionally, an underground construction inspector is assigned to fill in for an underground crew leader in M3-09-03. One of the underground construction inspectors temporarily worked as an underground crew leader for four to six weeks in 1999. In addition, between April and December 1999, underground mechanics from M3-09-03 were assigned to act as underground construction inspectors in that Unit on a daily basis to provide developmental opportunities for the underground mechanics, although BGE does not anticipate repeating that practice. Underground construction mechanics have the use of automobiles leased by BGE to perform their work and to take home with them. They carry wrenches, valve keys, and roller wheels in those cars, as well as paperwork. On rare occasions, they respond to emergency calls. The underground crew leaders generally are permitted to "authorize" their own overtime, but they must receive eventual approval from their supervisor. They share safety goals with the entire M3-00-01 department. They also share overtime goals with M3-08-01, and emergency call goals with M3-05-01.

I conclude that the underground construction inspectors in M3-09-03, like the underground construction inspectors in M3-09-02 and the construction inspectors in 36-04-04, share a sufficient community of interest with production and maintenance employees to be included in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909. They do not work exclusively with contractors. Cf. Atlanta Gas Light Co., 158 NLRB 311, 312-13 (1966) (inspectors lacked a sufficient community of interest with the utility's distribution and service employees, where, inter alia, their duties pertained solely to work performed by contractor employees and they had virtually no contact with the utility's distribution and service employees); Browne and Buford, Engineers and Surveyors, 145 NLRB 765, 767 (1963) (inspectors responsible for overseeing contractors' work were excluded from unit of field survey employees where their contact with field survey employees was only incidental and sporadic). Rather, the underground construction inspector work with both contractors and BGE crews of underground mechanics and underground crew leaders to perform service renewals, live gas connections, corrosion repair and joint work. The underground construction inspectors monitor four to five jobs a day, about 20% of which involve BGE crews. They assign BGE crews, if needed.

Like other construction inspectors, whom I have included in the BGE-wide production and maintenance unit, the underground construction inspectors also physically assist with production and maintenance work. The underground construction inspector or a gas mechanic from Section M3-05 makes the gas reconnection after excavation is completed and before testing begins. The underground construction inspector also performs the PSC test and tests for leaks. They run the tapping machine, and use wrenches, marking tools and an X-meter. They have received the same training as the underground crew leader and the underground mechanic and they wear the same personal protective and same safety equipment as these production and maintenance classifications when in the field. Approximately, ninety percent of their time is spent in the field. Typically, the underground construction inspectors were underground crew leaders who were trained to work with live gas. As noted, there has been some

interchange between underground construction inspectors in M3-09-03 and unit employees. Thus, one of the underground construction inspectors temporarily worked as an underground crew leader for four to six weeks in 1999. Also, from April to December of 1999, an underground mechanic in M3-09-03 worked as an underground construction inspector. The underground construction inspectors share safety RIA goals with production and maintenance employees and are required to respond to emergency call outs. Concededly, the underground construction inspectors primarily inspect the work of outside contractors, however they do not exclusively do so. They share common supervision with other production and maintenance employees in this unit. In sum, the underground construction inspectors, have similar skills, perform similar field functions, and generally have the same training, background, and working conditions as production and maintenance employees. They regularly interact in the field with production and maintenance employees to facilitate, inspect and test proper installation of new gas facilities, and they regularly perform some production and maintenance work. They share supervision with unit employees. Thus, on balance, I conclude that the underground construction inspectors in M3-09-03, like the underground construction inspectors in M3-09-02 and the construction inspectors in 36-04-04 share a sufficient community of interest with production and maintenance employees to be included in the BGE-wide production and maintenance unit found appropriate herein. See Boston Edison Co., 51 NLRB 118, 127 (1943) (construction inspectors included in production and maintenance unit); see also Louisiana Gas Service Co., supra, (same).

Construction and Maintenance Coordination Unit – M3-09-04
Supervisor, Jane E. Herschelman

The Construction and Maintenance Coordination Unit primarily manages the allocation of design work that originates in the Gas System Engineering and Design Section, M2-05-01. An engineering analyst in M3-09-04 then determines whether the work will be performed by BGE or by a contractor, sometimes after consulting with construction technicians or with the General Supervisor of the Gas Construction Section in M3-08-01, Robert E. Lewis, Jr. The types of projects handled by this Unit generally are classified as main pipeline work and service work, which involves pipelines from the main to a customer's meter. The positions in dispute in this unit are the construction technicians, the pre-construction inspector, the customer service investigators, and the senior administrative assistants. BGE would include these classifications in the BGE-wide production and maintenance unit, and the Petitioner would exclude them.

Construction Technician – M3-09-04

The three or four construction technicians in M3-09-04 are in pay grade 31. Like other excluded classifications in this Unit, they are supervised by the Unit supervisor. They have offices in the construction management office area on the first floor of the OSF Building at Spring Gardens, where they spend 80 to 90 percent of their time. The construction technicians have access to flex time hours.

They perform different types of work depending on whether a particular project involves main construction or service work. At the time of the hearing, Richard Koors was the only current construction technician working on gas main line construction. He attends work load meetings every two weeks along with the engineering analyst and the Gas Construction Section supervisors. At those meetings, decisions are made regarding whether a particular project will be done by BGE's employees or by a contractor. If the work is to be given to a contractor, the construction technician communicates with the Purchasing Material Management Division regarding the bids received from contractors and the choice of a particular contractor for the project. After the contractor commences the work, the construction technician tracks the progress of the job by communicating with crew leaders and chiefs and with inspectors. He also communicates with the contractor. If the work is given to BGE crews, Mr. Koors follows the progress of

the job by communicating with the relevant underground construction supervisor, the chief underground mechanic or the crew leader, and by reviewing information in the work management system (WMS). He monitors the job's progress with respect to timeliness and cost.

The construction technician handling residential services is Bret Enders. His duties are similar to those of Mr. Koors, but because of the nature of the residential work, he handles a greater number of jobs, each of which is smaller than those generally handled by Mr. Koors. Consequently, Mr. Enders handles more calls from field crews and from senior administrative assistants in M3-09-04, who, in turn, communicate directly with residential customers. Mr. Enders also communicates with underground construction inspectors in the contractor construction unit (M3-09-02) who work with BGE contractors. Mr. Enders also attends monthly meetings of a residential conversion team that discusses a large program being conducted by BGE. Other participants in the residential conversion team meetings include the engineering analyst from M3-08 (pay grade 78); the supervisor of the New Business Gas Design Unit, William E. Doherty (M2-05-02); the principal design technician from M2-05-02 (pay grade 77); the director of the Residential Gas Business Development Unit, Doreen M. Hartley (M2-03-03); and gas business developers from M2-03-03 (pay grade 79).

Mr. Koors and Mr. Enders receive telephone calls from field crews about once or twice a day. Those calls involve questions regarding the nature of the work being performed in the field. About half of those calls are placed by field supervisors. The remainder come from crew leaders or crew chiefs.

Another construction technician, Wayne Schoo, is primarily responsible for tracking the estimates of the time and cost of a job and comparing those estimates to the actual time and cost of a job. He communicates with General Supervisor Lewis, supervisors of Underground Support Units and the Construction Support Unit (M3-08-03, -04, -05, -06, -07, and -09), as well as with the engineering analyst in M3-08-01 and the underground chiefs, crew leaders, and mechanics. Mr. Schoo reports to his supervisor, General Supervisor Burrell (M3-09-01) and to General Supervisor Lewis (M3-08-01). He also reports on a job-by-job basis, and through quarterly summaries, to the supervisors in M3-09, and to Mike Palmetto, the Director of the Gas System Engineering and Design Section, M2-05-01. Furthermore, Mr. Schoo serves on teams with other BGE regarding special projects to improve the performance and efficiency of the gas construction operations.

In about March 2000, BGE began a practice of conducting meetings two or three times per month with Mr. Schoo, General Supervisor Lewis, the supervisor and designers from the Gas Project Design Unit (M2-05-05), and field crew leaders. The purpose of these meetings is to critique various aspects of the planning and execution of particular construction projects. In addition, Mr. Koors and Mr. Enders attend meetings on a monthly or semi-monthly basis that are referred to as "I & C meetings." The I & C meetings include personnel from Gas System Engineering and Design, Gas Planning, Gas Development, and Gas Construction Sections, who discuss particular programs and categories of work. A representative of the Retail Services Section sometimes attends I & C meetings, as well. In addition, all three construction technicians attend work load meetings with the engineering analyst and supervisors of the Gas Construction Section, M3-08. At those meetings, decisions are made as to whether particular projects will be performed by contractors or by BGE employees, and, if a project is assigned to a contractor, the participants decide details of the bidding process. The construction technicians also attend quarterly meetings of the M3 Department that are attended by all employees of the Department. Approximately once a year, each construction technician attends a safety meeting. Safety meetings are conducted monthly for various employees. All three construction technicians work with personnel in the Purchasing and Materials Management Department of the General Services Division with respect to structuring bids for work that is to be performed by contractors.

I conclude that the construction technicians in M3-09-04 do not share a sufficient community of interest with production and maintenance employees or technical employees throughout BGE to be included in any of the units found appropriate herein. Neither party claims that the construction technicians in M3-09-04 are technical employees. They have different skills and functions and separate supervision than production and maintenance employees or technical employees. They allocate projects between contractors and BGE construction crews, and track the costs of the projects as they progress. In addition, they work with their supervisor to put work out to bid and they review the bids submitted by contractors to assist BGE to select a contractor. After a contractor is selected, they communicate with the contractor to track the progress of a job and they also track the progress of jobs being performed by BGE employees by communicating with supervisors or a work leaders. The record reveals they have little direct contact with production personnel. To the contrary, they spend most of their time in an office communicating with supervisors and other excluded employees. Moreover, they perform administrative work and do not perform any physical production and maintenance work. Nor do they interchange with any unit employees. In these circumstances, I shall exclude the construction technicians in M3-09-04 from any of the units found appropriate herein.

Pre-Construction Inspector – M3-09-04

The pre-construction inspector in M3-09-04, Craig Andes, is in pay grade 30. He has an office on the first floor of the OSF Building. He is not permitted to work flex time hours. He inspects job sites before gas construction begins in order to answer questions about the project that come from designers in the Gas System and Engineering and Design Section, who work in M2-05-02 and M2-05-05, and from construction technicians within M3-09-04. Typically, those questions are presented to the construction technicians, who relay them to the pre-construction inspector, although he occasionally communicates directly with the designers. He only inspects jobs that will be performed by outside contractors; he does not inspect jobs that will be performed by BGE employees. The pre-construction inspector uses design prints in the field to provide and clarify information concerning the job. When he inspects a site, he takes with him the design drawing for the project and makes notes on that drawing of any potential obstructions or problems that he notices. The pre-construction inspector takes measurements and photographs in the field. He also determines whether the designers have provided for a sufficient number of flaggers, who direct traffic near a construction site. After conducting his inspection, the pre-construction inspector reports his findings to the appropriate construction technician. The pre-construction inspector supports the construction technician. He spends about 80 percent to 90 percent of his time in the field, away from the OSF Building. He uses an automobile supplied by BGE when traveling to and from construction sites.

The pre-construction inspector position was created about four years ago. BGE intends to continue a practice of rotating personnel from the field into the position. That practice is expected to provide field personnel with a broader perspective regarding BGE's business when they return to the field. Mr. Andes's predecessor in the job was an underground construction crew leader before performing pre-construction inspector duties for two years. This predecessor has since returned to a crew leader position. Mr. Andes was a welder in M3-08-03 before becoming the pre-construction inspector. He attends quarterly meetings of the Gas Maintenance and Construction Department, but generally does not attend other meetings.

I conclude that the pre-construction inspector in M3-09-04 does not share a sufficient community of interest with production and maintenance employees or technical employees throughout BGE to be included in any of the units found appropriate herein. Neither party claims that he is a technical employee. The pre-construction inspector has different skills and functions and separate supervision than production and maintenance employees or technical employees and does not interchange with them. He

supports the work of the construction technician in this unit, whom I have excluded from any of the units found appropriate herein. He uses design prints in the field to provide and clarify information concerning the job and he takes measurements and photographs in the field. He only inspects jobs that will be performed by outside contractors and he spends most of his time independently checking sites. The record reveals little, if any, contact with production personnel. No party contends that he shares a community of interest with the designers or other technical employees. In these circumstances, I shall exclude the construction technicians in M3-09-04 from any of the units found appropriate herein.

Customer Service Investigator – M3-09-04

The customer service investigator is in pay grade 30 and may work flex time. The employee currently in this position, Rick Broadwater, investigates claims made against BGE that are related to the installation of gas service lines and main lines. Such claims are made by employees, contractors, customers, government agencies, and members of the public. Examples of the types of claims investigated by the customer service investigator include damage to property caused by construction crews, personal injuries, and soiled carpets caused by crews working in homes. The customer service investigator interacts with Legal Department in connection with his investigations. The customer service investigator writes reports regarding his investigations. If the incident being investigated involves employees, the names of those employees are included in his report, which may or may not be forwarded to supervision. Mr. Broadwater spends about 25 percent to 30 percent of his time away from his office, visiting sites that are related to the claims and speaking to people who may have information regarding the claims. When he meets with customers, he wears a tie. Approximately once per month, he meets with field supervisors or crew leaders, either in his office or at a job site, to discuss claims. His office is located on the first floor of the OSF Building, in the construction supervisors' area.

When visiting sites related to claims, the customer service investigator takes photographs and measurements. Because his work outside the office typically occurs after construction has been completed, he usually he does not wear a hard hat or use other safety equipment. On those rare occasions when he visits an ongoing construction site, he wears the same safety equipment required of any visitor or worker, such as safety shoes, a vest, and a hard hat. He attends quarterly departmental meetings, as well as unit meetings, and section meetings. Before transferring to his current position in the Gas Division, Mr. Broadwater performed similar work in the Electronic Transmission and Distribution Division.

I conclude that the customer service investigator in M3-09-04 does not share a sufficient community of interest with production and maintenance employees or technical employees throughout BGE to be included in any of the units found appropriate herein. He has different skills and functions and separate supervision than production and maintenance employees or technical employees and does not interchange with them. He spends all of his time investigating claims that construction by contractors or by BGE crews caused an injury or damage to property. He primarily communicates with customers, government officials, and BGE's Legal Department and rarely contacts a crew leader or field construction personnel. The record reveals little, if any contact, with production personnel. This investigator spends most of his time in his office immediately adjacent to two supervisors. When in the field, he generally does not wear safety equipment because construction is usually completed. No party contends that he shares a community of interest with technical employees. In these circumstances, I shall exclude the customer service investigator in M3-09-04 from any of the units found appropriate herein.

Senior Administrative Assistants – M3-09-04

The three senior administrative assistants in the Construction and Maintenance Coordination Unit work in pay grade 26. They work scheduled hours rather than flex time. One of them, Pam Kiger, is not permitted to work a “four-tens” schedule like the other two assistants. She spends almost all of her time performing work for the Paving and Restoration Unit M3-09-05, rather than for Unit M3-09-04. Her cubicle is located adjacent to the office of Paving and Restoration Unit Supervisor, Woodrow A. Wilson, on the first floor of the OSF Building, but away from the cubicles of the other M3-09-04 employees, discussed above. Her work is similar to that of some of the senior administrative assistants in M3-08-01. She helps to schedule the work of the pavers by answering and placing telephone calls regarding the paving work. She receives all of the paving ticket stubs, which are work orders used by that Unit, M3-09-05. The paving tickets are sent to her by the departments that M3-09-05 performs work for, that is, Departments 36 and 39 in the ETDD and Department M3 in the GDD. She then places those paving tickets where the seven paving coordinators in M3-09-05 can pick them up. Ms. Kiger also prepares time sheets for M3-09-05, using the CTES time entry system. In addition, she orders materials for that Unit based on requests from paving crew leaders, who typically telephone or radio her from the field. She also answers the telephone for Unit Supervisor Wilson, and performs his filing and copying work. Ms. Kiger spends 100 percent of her time working in the office area. She is not permitted to work flex time.

Senior administrative assistant, Andrea Moore, spends almost 100 percent of her time performing timekeeping functions for M3-08 and M3-09. She receives approved time sheets from supervisors in both sections, verifies the computer-aided approval of time sheets by supervisors, and processes that information for payroll purposes by using a computer program called TES. Her work involves the payroll data for about 200 employees. About four or five times per week, she speaks to a supervisor regarding questions or problems concerning an employee’s time records. If a supervisor is not available, she will speak to a crew leader or crew chief. That occurs about two or three times per week. Ms. Moore’s cubicle is located near that of Mr. Ringold, who is a senior administrative assistant in M3-08, and near the cubicles of the gas construction supervisors and General Supervisor Lewis, who also work in M3-08. Like other employees working in the OSF Building, she uses the common areas. She attends quarterly departmental meetings and occasionally attends meetings with other individuals in the Gas Distribution Division, who have timekeeping responsibilities. She submits her timekeeping data to the timekeeper in the Gas Business Support Unit within the Gas Planning and Engineering Department, M2-00-05. Ms. Moore spends a small percentage of her time handling the paperwork for BGE’s program that provides prescription safety glasses to employees in M3-08-03, -04, -05, -06, -7, -09, and M3-09-01 through -05. When doing so, she spends a few minutes with each employee when they fill out the necessary form. In addition, Ms. Moore occasionally speaks to customers who have called regarding particularly difficult complaints that cannot be resolved by the contractor employee, who normally handles such calls.

The third senior administrative assistant in M3-09-04 is Judith Swann. She communicates with customers with respect to questions and complaints regarding the gas construction process. For example, customers speak to her about the progress of a project or the expected completion date. In order to obtain answers to the customers’ questions, Ms. Swann speaks to construction technicians in M3-09-04, primarily Mr. Enders, or to construction supervisors. She rarely speaks to field personnel below the level of supervisor. Most of her work relates to residential projects. She attends quarterly departmental meetings and monthly meetings relating to the residential conversion program, referred to above, which affects 2,000 to 3,000 residential gas service lines per year. Ms. Swann works on the first floor of the OSF Building near senior administrative assistant, Sandra Jenkins, in M3-08-01.

I conclude that the senior administrative assistants in M3-09-04 are office clerical employees who should be excluded from any of the units found appropriate herein. They have different skills and functions than production and maintenance or technical employees and spend all their time in an office environment performing duties traditionally associated with clerical employees, such as dealing with customers on the phone, verifying timekeeping records, ordering office supplies, making copies, answering phones, or inputting paving tickets and time sheets into computer systems. They have separate supervision from unit employees, do not interchange with them, and have little, if any, direct contact with them. In these circumstances, I conclude that the senior administrative assistants in M3-09-04 are office clerical employees who should be excluded from any of the units found appropriate herein. Power, Inc., 311 NLRB 599, 608, affirmed, 240 F.3d 409 (D.C. Cir. 1994); Mitchellace, Inc., 314 NLRB 536, 536-37 (1994), enforced, 90 F.3d 1150 (6th Cir. 1996); Cook Composites & Polymers Co., 313 NLRB 1105, 1108-09 (1994); Avecor, Inc., 309 NLRB 73, 75 (1992); Jackel Motors, 288 NLRB 730, 742 (1988); Container Research Corp., 188 NLRB 586, 587 (1971).

Paving and Restoration Unit -- M3-09-05, Supervisor Woodrow A. Wilson

The Paving and Restoration Unit performs paving and restoration work for various departments, including Transmission and Distribution Operations and Maintenance Department 36 and New Business & Distribution Department 39 in the ETDD and all of Gas Maintenance & Construction Department M3. The only job in dispute in M3-09-05 is the paving coordinator classification. BGE would include this classification in the BGE-wide production and maintenance unit. Petitioner would exclude this classification. Senior administrative assistant in M3-09-04, Pamela G. Kiger, who provides support to the paving coordinators and to crew leaders, was discussed immediately above.

Paving Coordinators -- M3-09-05

The seven paving coordinators in M3-09-05 are in pay grade 29. They share supervision from the Unit supervisor. They receive paving tickets at the Unit's office in the OSF Building each day. They determine the type of work that will be required and assign each job to a paving contractor. They visit the job site, inspect the work, and verify that it is being performed in accordance with BGE's standards. The paving coordinator then signs a time sheet when the job is completed, and forwards it to Supervisor Wilson's office for final approval. The contractor cannot receive payment from BGE without the paving coordinator's approval. The paving coordinators also receive reports of complaints from customers, called Y-14's. About 15 to 20 percent of a paving coordinator's time is spent investigating customer complaints. Paving coordinators communicate with various employees in Departments 36, 39, and M3 regarding paving needs. They also provide input regarding the prices that BGE is paying to the contractors.

The paving coordinators attend departmental meetings, environmental and sediment control meetings, fire training meetings, and monthly Unit meetings. In addition, they receive training regarding CPR, first aid, and driving. Most of the paving coordinators began working for BGE in M3-09-05 or its predecessor, 58-13-03, as paver trainees, and have worked as pavers and crew leaders in that Unit. M3-09-05 shares RIA goals regarding OSHA reportables, motor vehicle accidents, and gas leak response times. The paving coordinators often report to job sites from their homes using automobiles and station wagons provided by BGE. They spend about five percent of their time working with crews in M3-09-05 on unusual events such as sunken holes and answering questions regarding the scope of the work. The applicable job description (Employer's Exhibit No. 4, Job No. 246-B) is accurate with respect to this

classification. The paving coordinators' jobs have not changed since 1996, except insofar as they provide input regarding pricing. In 1996, the Regional Director excluded the paving coordinators from the system wide production and maintenance unit found appropriate because they had different job skills and job functions than production and maintenance personnel. See Er. Exh. 9C at 4-30.

I conclude that the paving coordinators in M3-09-05 do not share a sufficient community of interest with production and maintenance employees or the paving crew leader, paver, or paver trainee to be included in the BGE-wide production and maintenance unit found appropriate herein in 5-RC-14909. Unlike the underground construction inspectors in M3-09-02, the paving coordinators almost exclusively inspect the work of outside contractors or respond to customer complaints. They interact with BGE crews only 5% of the time during unusual events such as sunken holes. Notably, the paving coordinators' job description does not mention anything about their contact with field employees. Rather, the job description states that the paving coordinators work with contractors, government officials and customers. See Er. Exh. 4, # 346B. They have different skills and functions than unit employees, although they share common Unit supervision. They primarily determine whether contractor work is being performed in accordance with BGE specifications. In fact, in 1996, the Regional Director excluded them because they had different job skills and job functions than production personnel. The record established that their primary function, inspecting the work of contractors, has not changed since 1996, although they now do more cost estimating for larger jobs. In addition, unlike the situation with the underground construction inspectors and construction inspectors, there is no evidence that they physically assist with or perform construction work in the field or that they regularly interact with production and maintenance employees in the field. No party claims that they are technical employees and there is no evidence in the record to support such a conclusion. In these circumstances, I shall exclude the paving coordinators in M3-09-05 from any of the units found appropriate herein.