

Notice: This certification may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any formal errors so that they may be corrected before publishing the Certification. This notice is not intended to provide an opportunity for a substantive challenge to the Certification.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of:

American Federation of State,
County and Municipal Employees,
D.C. Council 20, Local Union Nos.
1033 and 2097, AFL-CIO,

Petitioners,

and

District of Columbia
General Hospital,

Agency.

PERB Cases Nos. 93-R-03
and OR007
Certification Nos. 71
and 72

CERTIFICATION AND AMENDED CERTIFICATION OF REPRESENTATIVE

On April 7, 1993, the American Federation of State, County and Municipal Employees, D.C. Council 20 (AFSCME), Locals 1033 and 2097, AFL-CIO, pursuant to Board Rule 516.1, filed a document styled "Unopposed Petition to Amend Certification" with the Public Employee Relations Board (Board). The Petition concerns a Certification issued by the Board in PERB Case No. OR007 (as corrected on July 10, 1980). That case involved two units of employees employed by the District of Columbia General Hospital (DCGH). The Certification in PERB Case No. OR007 reflects AFSCME, Local 2097 as the exclusive collective bargaining representative for one of these units described as follows:

All professional and non-professional employees of the D.C. General Hospital excluding guards, licensed practical nurses, non-professional employees in the housekeeping, laundry, food service, supply and property sections, wage grade employees in the maintenance section, motor vehicle

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operators in the transportation section, physicians (residents, interns and fellows), registered nurses, management executives, confidential employees, supervisors, employees engaged in personnel work in other than a purely clerical capacity and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, as amended.^{1/}

The second unit has been represented by AFSCME Local 2097 since prior to the enactment of the Comprehensive Merit Personnel Act (CMPA) in 1979 and is described as follows:

All non-professional employees of D.C. General Hospital, including employees in food services, laundry, supply and the property branch, employees in the housekeeping section, and non-professional motor vehicle operators in the transportation section, but excluding all other non-professional employees, management officials, confidential employees, supervisors, employees engaged in personnel work in other than a purely clerical capacity and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, as amended.^{2/}

Petitioners request that the Board amend the Certification in PERB Case No. OR007 to reflect AFSCME Local 1033 as the certified representative of the unit of professional and non-professional employees. Petitioners also request that the Board issue a Certification reflecting AFSCME Local 2097 as the representative of the above unit consisting only of non-professional employees.

^{1/} The unit description appears as amended by the Board to reflect previously omitted statutory exclusions.

^{2/} The proposed amendment to the unit description appears as adjusted by the Board to reflect (1) statutory exclusions and (2) the exclusion of non-professionals that will remain part of the unit that Petitioner seeks to have AFSCME, Local 1033, designated as the certified exclusive representative in its Petition.

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Upon investigation of the underlying history and background in PERB Case No. OR007, we grant Petitioner's request to amend the Certification to reflect AFSCME Local 1033 as the certified representative of a unit of professional and certain classifications of non-professional employees.^{3/} Pursuant to the CMPA, D.C. Code Sec. 1-618.11(b), we also grant Petitioner's request and issue a Certification to AFSCME Local 2097 as the representative of the above unit of non-professional employees existing at the time the CMPA became effective; i.e., June 3, 1980.^{4/}

Pursuant to the authority vested in the Board by D.C. Code Sections 1-605.2(1) and (2) and Board Rules 516.1 and 516.2;

IT IS HEREBY CERTIFIED THAT:

Certification #71. The American Federation of State, County and Municipal Employees, D.C. Council 20 (AFSCME), Local 1033, AFL-CIO has been designated by the employees in the unit described below as their preference for exclusive representative for the purpose of collective bargaining over terms and conditions of employment, including compensation, with the above-named

^{3/} An investigation of the question presented to eligible employees on the official ballot used in the election in PERB Case No. OR007 reveals that certification should have been accorded to AFSCME District Council 20, the petitioning union. Since AFSCME, Local 1033 is a subordinate body under AFSCME D.C. Council 20, Petitioner's amendment request merely reflects an internal administrative change in the name of the designated representative, which is permitted under Board Rule 516.1. The investigation further reveals that shortly after AFSCME, Local 2097 was certified as the exclusive representative of the existing unit described above, i.e., June, 1980 AFSCME, Local 1033 actually acted as the exclusive representative, with the recognition of DCGH, of all the professional employees and technical nonprofessional employees in the existing unit.

^{4/} D.C. Code Sec. 1-618.11(b) preserves bargaining units established prior to the date the CMPA became effective, i.e., June 3, 1980, and provides for the continued recognition of labor organizations that had exclusive recognition in such units at that time.

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employer.^{5/}

UNIT:

All professional and non-professional employees of the D.C. General Hospital excluding guards, licensed practical nurses, non-professional employees in the housekeeping, laundry, food service, supply and property sections, wage grade employees in the maintenance section, motor vehicle operators in the transportation section, physicians (residents, interns and fellows), registered nurses, management executives, confidential employees, supervisors, employees engaged in personnel work in other than a purely clerical capacity and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, as amended.

Certification #72 AFSCME Local 2097 has been designated by the employees in the unit described below as their preference for exclusive representative for the purpose of collective bargaining over terms and conditions of employment, including compensation, with the above-named employer.

UNIT:

All non-professional employees of D.C. General Hospital, including employees in food services, laundry, supply and the property branch, employees in the housekeeping section, and non-professional motor vehicle operators in the transportation section, but excluding all other non-professional employees, management officials, confidential employees, supervisors, employees engaged in personnel work in other than a purely clerical capacity and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, as amended.

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

September 9, 1993

^{5/} This Certification supersedes the Certification in PERB Case No. 0R007.

AUTHORIZATION

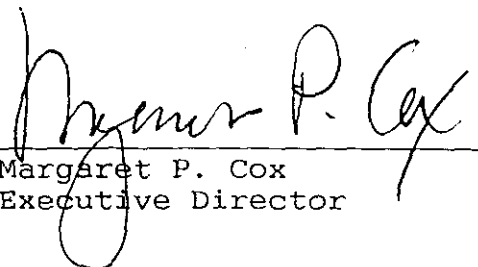
Pursuant to Sections 502(a) and 1716(b) of the District of Columbia Merit Personnel Act of 1978, (D.C. Code Sections 1-605.2 and 1-618.1(b) the Public Employee Relations Board (PERB or Board) determines that the unit of professional and non-professional employees found appropriate for non-compensation bargaining as described in the "Certification and Amended Certification of Representative" in PERB Case Nos. 93-R-03 and OR007 shall be included in the following unit for the purpose of compensation bargaining:

UNIT #20

Consisting of all career service professionals, technical, and administrative and clerical employees who currently have their compensation set in accordance with the District Service Schedule (DS), who come within the personnel authority of the District of Columbia General Hospital Commission, except qualified medical officers (physicians, dentists and podiatrists), and registered and licensed practical nurses, who are represented by labor organizations certified as exclusive bargaining agents by the PERB or its predecessor.

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

September 9, 1993


Margaret P. Cox
Executive Director

AUTHORIZATION

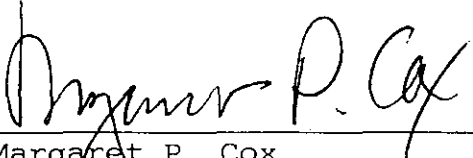
Pursuant to Sections 502(a) and 1716(b) of the District of Columbia Merit Personnel Act of 1978, (D.C. Code Sections 1-605.2 and 1-618.16) the Public Employee Relations Board (PERB or Board) determines that the unit consisting of only non-professional employees found appropriate for non-compensation bargaining as described in the "Certification and Amended Certification of Representative" in PERB Case Nos. 93-R-03 and 0R007 shall be included in the following units for the purpose of compensation bargaining:

UNIT #20 - Consisting of all career service professionals, technical, and administrative and clerical employees who currently have their compensation set in accordance with the District Service Schedule (DS), who come within the personnel authority of the District of Columbia General Hospital Commission, except qualified medical officers (physicians, dentists and podiatrists), and registered and licensed practical nurses, who are represented by labor organizations certified as exclusive bargaining agents by the PERB or its predecessor.

UNIT #21 - Consisting of all career service and trade and craft employees who currently have their compensation set in accordance with the regular wage grade (RW) and leader wage (LWS), who come within the personnel authority of the District of Columbia Hospital Commission and who are currently represented by labor organizations certified as the exclusive bargaining agent by the PERB or its predecessor.

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

September 9, 1993



Margaret P. Cox
Executive Director