

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

**Government of the District of Columbia
Public Employee Relations Board**

	)	
District of Columbia Commission on the	)	
Arts and Humanities,	)	
	)	
Petitioner	)	
and	)	
	)	
American Federation of Government Employees,	)	PERB Case No. 26-UM-01
Local 1403	)	
	)	Opinion No. 1954
Petitioner	)	
	)	
and	)	
	)	
District of Columbia Office of Labor Relations	)	
and Collective Bargaining	)	
	)	
Intervenor	)	
	)	

DECISION AND ORDER

I. Statement of the Case

On February 12, 2026, the District of Columbia Commission on the Arts and Humanities (CAH) and the American Federation of Government Employees, Local 1403 (AFGE) filed an amended¹ joint petition for unit modification (Petition). The Petition requests that the Board amend Certification No. 133 to include all CAH attorneys within the Legal Service.

Pursuant to Board Rule 505.3, PERB directed CAH to post a notice to inform employees, management, and labor organizations about the petition and to provide an opportunity to comment or request to intervene in the proceedings. OLRCEB filed comments related to the petition on April 8, 2026. The comments stated that both the District of Columbia Government and CAH support the joint motion. On February 26, 2025, the District of Columbia Office of Labor Relations and Collective Bargaining filed a motion to intervene, which PERB granted.

For the reasons stated herein, the Petition is Granted.

¹ The amended joint petition cured deficiencies in the initial petition filed on February 10, 2026.

II. Background

The following facts are uncontested. In 2005, PERB certified AFGE, Local 1403 as the sole and exclusive bargaining representative for a defined unit of Legal Service attorneys.² The bargaining unit was defined in Certification No. 133, which was amended in PERB Case No. 24-UM-02. The existing unit is defined as:

All attorneys within the Legal Service who are employed by an agency subordinate to the Mayor of the District of Columbia or by the District of Columbia Alcoholic Beverage and Cannabis Administration, excluding management officials, supervisors, confidential employees, employees engaged in personnel work other than in a purely clerical capacity and employees engaged in administering the provisions of XVII of the District of Columbia Merit Personnel Act of 1978, D.C. Law 2-139.³

The Petition proposes modifying the current description to read as follows:

All attorneys within the Legal Service who are employed by an agency subordinate to the Mayor of the District of Columbia or by the District of Columbia Alcoholic Beverage and Cannabis Administration, or **by the District of Columbia Commission on the Arts and Humanities**, excluding management officials, supervisors, confidential employees, employees engaged in personnel work other than in a purely clerical capacity and employees engaged in administering the provisions of XVII of the District of Columbia Merit Personnel Act of 1978, D.C. Law 2-139.⁴

After the issuance of Certification No. 133, the organizational status and personnel authority of numerous District agencies changed and some agencies subordinate to the Mayor were given independent personnel authority.⁵ Some former independent agencies became subordinate to the Mayor but nevertheless retained their independent personnel authority.⁶ Certification No. 133 was modified to reflect these changes.⁷ The revised certification language expressly includes only one independent agency, namely the District of Columbia Alcoholic Beverage and Cannabis Administration.⁸ The parties seek to include CAH in this certification because, as an independent agency not expressly referenced in Certification No. 133, it falls outside of the certification, meaning nonsupervisory attorneys at CAH may not be included in the bargaining unit.⁹

III. Discussion

Under Board Rule 505.1(b), a petition for unit modification may be sought to add to an existing unit unrepresented classifications or employee positions created since the recognition or

² Petition at 2.

³ Petition at 1.

⁴ Petition at 1-2.

⁵ Petition at 2.

⁶ Petition at 2.

⁷ Petition at 2.

⁸ Petition at 2.

⁹ Petition at 2-3.

certification of the exclusive representative. Section 1-617.09(a) of the Comprehensive Merit Personnel Act (CMPA) provides that a petition for unit modification requires a properly supported request from a labor organization and will only be granted if the proposed modification “promotes effective labor relations and efficiency of agency operations.”

The Board finds that the requested modification ensures comprehensive bargaining unit coverage, thereby promoting effective labor relations and the efficiency of CAH operations.

IV. Conclusion

For the reasons stated, the Board grants the Petition and modifies the bargaining unit as described in the Order.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Petition is hereby Granted.
2. The unit defined in PERB Certification No. 133 is modified as follows:

All attorneys within the Legal Service who are employed by an agency subordinate to the Mayor of the District of Columbia or by the District of Columbia Alcoholic Beverage and Cannabis Administration, or by the District of Columbia Commission on the Arts and Humanities, excluding management officials, supervisors, confidential employees, employees engaged in personnel work other than in a purely clerical capacity and employees engaged in administering the provisions of XVII of the District of Columbia Merit Personnel Act of 1978, D.C. Law 2-139.
3. The modified bargaining unit description is set forth in Certification No. 133.
4. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By vote of Board Chairperson Peter Winkler and Members Mary Anne Gibbons, Renee Bowser, and Douglas Warshof.

April 17, 2026

Washington, D.C.