

Notice: This decision 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 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**

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In the Matter of:)	
)	
District of Columbia Government)	
Department of Public Works,)	
)	
Petitioner,)	
)	
and)	PERB Case Nos. 99-UM-07
)	and 99-UCN-03
)	
American Federation of State,)	Opinion No. 616
County and Municipal Employees,)	
D.C. Council 20, Local 2091,)	
)	
Respondent.)	
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DECISION AND ORDER ON UNIT MODIFICATION

On June 18, 1999, the District of Columbia Office of Labor Relations and Collective Bargaining (OLRCB), pursuant to section 504 of the Rules of the Public Employee Relations Board (Board), filed a Petition for Unit Modification (Petition), on behalf of the District of Columbia Department of Public Works (DPW). The Petition concerns two (2) collective bargaining units that are located at DPW. The American Federation of State, County and Municipal Employees, D.C. Council 20, Local 2091 (AFSCME) represents both bargaining units. One of the units originally existed under the Department of Environmental Services (DES) when AFSCME was certified to represent them.^{1/} OLRCB seeks to change the identity of the employing agency for that unit from DES to the DPW. OLRCB further seeks to consolidate the two units. (Petition at 2).

^{1/} See, American Federation of State, County and Municipal Employees, D.C. Council 20, Local 2091, AFL-CIO and Department of Environmental Services, Bureau of Labor Relations (BLR) Case No. 4R006, Amendment of Certification, June 19, 1974; and American Federation of Government Employees, D.C. Council 20, Local 2091, AFL-CIO and Department of Public Works, PERB Case No. 88-R-08, Certification No. 53 (1989).

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The existing units, previously found appropriate for collective bargaining, are described as follows:

All employees of the Solid Waste Management Administration, Department of Environmental Services; excluding management executives, supervisory employees, and any employee engaged in personnel work in other than purely clerical capacity.

All employees of the Department of Public Works, Public Space Maintenance Administration, Office of Education and Outreach, Vector Control Branch; excluding management officials, supervisors, confidential employees, employees engaged in personnel work in other than a purely clerical capacity and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978.

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

OLRCB states that the modification is sought as a result of the "Reorganization Plan No. 4 of 1983", which changed the statutory identity of the previous employing agency for one of the units from DES to DPW. (Pet. at 2.) Board Rule 504.1(a) provides that "[a] unit modification may be sought... [t]o reflect a change in the identity or statutory authority of the employing agency[.]" OLRCB also seeks to consolidate this unit with the other unit represented by AFSCME set forth above. Board Rule 504.1(d) permits the "consolidation of two or more bargaining units within an agency that are represented by the same labor organization[.]" However, the consolidated unit must continue to be an appropriate unit in accordance with D.C. Code § 1-618.9(c).

In support of this requirement OLRCB states that the employees in the consolidated unit would continue to share common mission, working conditions, organizational structure and supervision. Employees in the proposed consolidated bargaining unit would maintain distinctiveness of function in an integrated work process. (Petition at 5) In accordance with D.C. Code § 1-618.9(c), we find the employees in the consolidated unit would continue to share a community of interest. We further find that the modified unit will continue to promote effective labor relations and efficiency of agency operations. Therefore, we conclude for the foregoing reasons that the modified unit meets the criteria of an appropriate unit for collective bargaining

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within DPW.

The requested modifications does not give rise to a question concerning the representation of the unit that would necessitate an election to poll affected employees. Accordingly, we grant the Petition and modify the subject non-compensation bargaining unit as described in the Order and Certification No. 113, issued simultaneously herewith.

ORDER

IT IS HEREBY ORDERED THAT:

The non-compensation units for which the American Federation State, County and Municipal Employees, D.C. Council 20, Local 2091, is certified as the exclusive representative in BLR Case No. 4R006 and in Certification No. 53, is modified and will, henceforth, be described as set forth below. Nothing in this Order is to be construed as altering the scope of the bargaining unit except in the manner discussed in this Decision.

Unit Description:

All employees employed by the Department of Public Works under the Solid Waste Management Administration; excluding management officials, supervisors, confidential employees, employees engaged in personnel work in other than a purely clerical capacity and employees engaged in administering the provisions of Title XVII of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

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

December 17, 1999

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§§ 1-605.2(1) and (2), 1-618.9(c); and Board Rule 504.1(a) and (d) and 504.5(e)

IT IS HEREBY CERTIFIED THAT:


The American Federation of State, County and Municipal Employees, D.C. Council 20, Local 2091, has been designated by a majority of the employees of the above-named public employer in the modified unit described below, as their preference for its exclusive representative for the purpose of collective bargaining concerning both compensation and terms-and-conditions matters with the employer.

Unit Description:

All employees employed by the Department of Public Works under the Solid Waste Management Administration; excluding all management officials, supervisors, confidential employees, employees engaged in personnel work in other than a purely clerical capacity and employees engaged in administering the provisions of Title XVII of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

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

December 17, 1999



Julio A. Castillo
Executive Director

Certificate of Service

This is to certify that the attached Decision and Order and Certification of Representative in PERB Case Nos. 99-UM-07 and 99-UCN-03 was mailed (U.S. Mail) to the following parties on this the 17th day of December, 1999.

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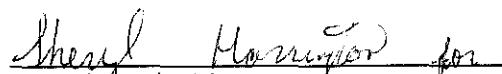
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DECISION AND ORDER ON UNIT MODIFICATION

On June 18, 1999, the District of Columbia Office of Labor Relations and Collective Bargaining, pursuant to Section 504 of the Rules of the Public Employee Relations Board (Board), filed a Petition Unit Modification (Petition). The Petition concerns a unit of employees employed by the D.C. Office of Corporation Counsel/Child Support Enforcement Division that originally existed under the Department of Human Resources (DHR) (now the Department of Human Services (DHS)). American Federation State, County and Municipal Employees, Local 2401, is the certified exclusive representative of the unit, previously found appropriate for collective bargaining by the Board of Labor Relations (BLR).

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

Pursuant to Board Rule 504.1(a), the Petitioner seeks to reflect a change in the identity of the employing agency. As modified, the D.C. Office of Corporation Counsel will replace DHS as the employing agency in the unit description.

Petitioner and OLRCB concur that as a result of the Mayor's Reorganization of DHS, the functions of Child Support Enforcement were transferred from DHS to the D.C. Office of the Corporation Counsel. Petitioner requests that the consolidated unit description be amended to reflect this change in the identity of the employing agency. OLRCB states it has no objections to the modification.

In view of th

We conclude for the foregoing reasons that the request to modify the bargaining unit as represented within is appropriate. Accordingly, we grant the Petition for modification of the non-compensation unit described below in the order.