In the Matter of:  

District of Columbia Government  
Department of Human Services,  

Petitioner,  

and  

American Federation of State,  
County and Municipal Employees,  
D.C. Council 20, Local 2092,  

Respondent.  

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
PUBLIC EMPLOYEE RELATIONS BOARD  

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 Human Services (DHS). The Petition concerns three (3) collective bargaining units represented by the American Federation of State, County and Municipal Employees, District Council 20, Local 2092 (AFSCME). These units originally existed under the Department of Human Resources (DHR) at the time AFSCME became their exclusive collective bargaining representative.  

The current unit description of one of the units can be found in, Department of Human Resources and Local 2092, Council 20, American Federation of State, County and Municipal Employees, AFL-CIO, Bureau of Labor Relations (BLR) Case No. 7R003, Amendment of Certification, January 10, 1977. AFSCME has been the recognized exclusive bargaining representative of the other two units since a time that predates the effective date of the Comprehensive Merit Personnel Act (CMPA). (Petition at 2.) A diligent search of the Bureau of Labor Relations (BLR) records—the Board’s predecessor agency—did not reveal a certification by

(continued...)
OLRCB seeks to change the identity of the employing agency from DHR to DHS and to consolidate the units. (Petition at 2). The existing unit descriptions are as follows:

"All non-supervisory wage grade employees of the Institutional Engineering and Maintenance Branch, Facilities Management and Operations Division, Children's Center Department of Human Resources."

"Non-professional employees of the Receiving Home for Children, Institutional Care Services Division, Youth Services Administration, Commission on Social Services (CCS)."

"Wage grade employees of the Institutional Care Services Division, Forest Haven, Commission Social Services (CSS)."

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 of the employing agency is sought as a result of the "Mayor's Reorganization Plan No. 2 of 1979 and Reorganization Plan No. 3 of 1986," which changed the statutory identity of the previous employing agency from DHR to DHS. (Petition 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 the three bargaining units within DHS, all of which are represented by AFSCME. 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).

The employees in the proposed consolidated unit would continue to share common mission, working conditions, organizational structure and supervision. Employees would maintain distinctiveness of function in an integrated work process. (Petition at 5.) We find that employees in the consolidated unit share a community of interest. We further find...

\(^{(...continued)}\)

the BLR. Therefore, as collective bargaining relationships that predate the effective date of the CMPA, these two units of employees are recognized as appropriate units and AFSCME as their representative pursuant to D.C. Code § 1-618.11(b).
Decision and Order on Unit Modification
PERB Case Nos. 99-UM-05 and 99-UCN-05
Page 3

that the modified unit will continue to promote effective labor relations and efficiency of agency operations. Based on these factors, we find the consolidated unit meets the criteria of an appropriate unit as prescribed under D.C. Code § 1-618.9(c).

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 units as described in the Order and Certification No. 112, 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 2092, is certified as the exclusive representative in BLR Case No. 7R003, and as described in this Decision, are modified and, henceforth, will 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 wage grade employees employed by the Department of Human Services (DHS) under the Institutional Engineering and Maintenance Branch; Facilities Management and Operations Division; Children's Center; Commission on Social Services, Institutional Care Services Division, Forest Haven; and all non-professional employees employed by the DHS under the Commission on Social Services, Receiving Home for Children, Institutional Care Services Division, Youth Services 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
GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of:

District of Columbia Government
Department of Human Resources,
Petitioner,

and

American Federation of State,
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D.C. Council 20, Local 2092,
Respondent.

PERB Case Nos. 99-UM-05 and 99-UCN-05
Certification No. 112

CERTIFICATION OF REPRESENTATIVE

A representation proceeding having been conducted in the above-captioned matter by the Public Employee Relations Board (Board) in accordance with the District of Columbia Comprehensive Merit Personnel Act of 1978 and the Rules of the Board and it appearing that an exclusive representative has been designated;

Pursuant to the authority vested in the Board by D.C. Code §§ 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:

1/ By virtue of the Board’s modification of units in a Decision and Order issued simultaneously herewith (Slip Op. No. 615), this Certification supersedes the Certification of the American Federation of State County and Municipal Employees (AFSCME), D.C. Council 20, Local 2092, as the exclusive representative of the unit set forth in Department of Human Resources and Local 2092, Council 20, American Federation of State, County, and Municipal Employees, AFL-CIO, Bureau of Labor Relations (BLR) Case No. 7R003, Amendment of Certification, January 10, 1977; and the units described in Slip Opinion No. 615.
Certification of Representative
PERB Case Nos. 99-UM-05 and 99-UCN-05
Page 2

The American Federation of State County and Municipal Employees, (AFGE), Local 2092, 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 wage grade employees employed by the Department of Human Services (DHS) under the Institutional Engineering and Maintenance Branch; Facilities Management and Operations Division; Children's Center; Commission on Social Services, Institutional Care Services Division, Forest Haven; and all non-professional employees employed by the DHS under the Commission on Social Services, Receiving Home for Children, Institutional Care Services Division, Youth Services 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

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-05 and 99-UCN-05 was mailed (U.S. Mail) to the following parties on this the 17th day of December, 1999.

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