

Decision and Order on Unit Modification
PERB Case Nos. 99-UM-05 and 99-UCN-05
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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

¹(...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).

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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

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**

In the Matter of:)	
)	
District of Columbia Government)	
Department of Human Resources,)	
)	
Petitioner,)	
)	
and)	PERB Case Nos. 99-UM-05
)	and 99-UCN-05
)	
American Federation of State,)	Certification No. 112
County and Municipal Employees,)	
D.C. Council 20, Local 2092,)	
)	
Respondent.)	

CERTIFICATION OF REPRESENTATIVE ^{1/}

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
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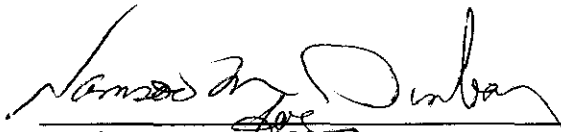
The American Federation of State County and Municipal Employees, (AFGE), Local 2092, has been designated by a majority of the employees of the above-named public employer in the modified unit described below, as their preference for its exclusive representative for the purpose of collective bargaining 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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Labor Relations Officer
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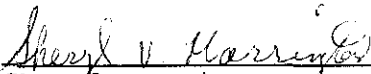
Courtesy Copies:

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