

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 Motor Vehicle,)	
)	
Petitioner,)	
)	
and)	PERB Case No. 99-UM-08
)	and 99-UCN-06
)	
American Federation of Government)	Opinion No. 613
Employees, Local 1975,)	
)	
)	
Respondent.)	
)	

DECISION AND ORDER ON UNIT MODIFICATION

On June 24, 1999, the District of Columbia Office of Labor Relations and Collective Bargaining (OLRCB), pursuant to section 504 of the Rules of the Public Employees Relation Board (Board), filed a Petition for Unit Modification (Petition), on behalf of the District of Columbia Department of Motor Vehicles (DMV). The Petition concerns two (2) collective bargaining units represented by the American Federation of Government Employees, Local 1975 (AFGE). These units originally existed under the Department of Public Transportation (DOT) when AFGE was certified to represent them.^{1/} DOT was the predecessor agency for some of the mission functions -including those functions performed by employees in the instant bargaining unit- subsequently reorganized under the Department of Public Works (DPW). OLRCB seeks to change the identity of the employing agency from DPW and DOT to the DMV. OLRCB also seeks to consolidate the two units. (Petition at 2). The existing units, previously found appropriate for collective bargaining, are described as follows:

^{1/} See, American Federation of Government Employees, Local 1975, AFL-CIO and Department of Transportation, Certification No. 7, PERB Case No. 81-R-07 (1981) and American Federation of Government Employees, Local 1975, AFL-CIO and Department of Public Works, Certification No. 24, PERB Case No. 88-R-03 (1989).

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All non-supervisory employees in the Bureau of Traffic Adjudication; all non-supervisory employees of the Bureau of Parking Enforcement; all non-supervisory employees in the Bureau of Motor Vehicles, Department of Transportation; excluding management executives, confidential employees, supervisors, professionals, any employees engaged in personnel work in other than purely clerical capacity and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978.

All unrepresented District Service (DS) professional employees in the Government of the District of Columbia, Department of Public Works, Transportation System Administration, Bureau of Traffic Adjudication, Hearing Division employed as Hearing Examiners, excluding management officials, supervisors, confidential 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.

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[.]" OLR CB states that the modification is sought in response to the enactment of the "Fiscal Year 1999 Budget Support Act of 1998", D.C. Law 12-175, effective March 26, 1999, which changed the statutory identity of the agency employing these bargaining unit employees from DPW to the DMV. (Petition 2.) OLR CB also seeks to consolidate these two bargaining units within the DMV, both of which are represented by AFGE.

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 modified unit must continue to be an appropriate unit in accordance with D.C. Code § 1-618.9(c). The employees in the consolidated unit share common working conditions, organizational structure and supervision. Employees in the proposed modified bargaining unit have

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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 unit, as modified, 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 is an appropriate unit for collective bargaining within DMV. The requested modifications do not give rise to a question concerning the representation of the unit that would necessitate the polling of affected employees concerning their representation in the modified unit.

Accordingly, we grant the Petition and modify the subject non-compensation bargaining units as described in the Order and in Certification No. 110.

ORDER

IT IS HEREBY ORDERED THAT:

The non-compensation units for which the American Federation Government Employees, Local 1975, is certified as the exclusive representative in Certification Nos. 7 and 24, are modified and will be described as set forth below. Nothing in this Order is to be construed as altering the scope of the modified bargaining unit except in the manner discussed in this Decision.

Unit Description:

All professional and non-professional employees of the Department of Motor Vehicles in the Customer Service Division and in the Adjudication Services Division; 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 9, 1999

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of:)	
)	
District of Columbia Government)	
Department of Motor Vehicle,)	
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)	
Petitioner,)	
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and)	PERB Case No. 99-UM-08
)	and 99-UCN-06
)	
American Federation of Government)	Certification No. 110
Employees, Local 1975,)	
)	
)	
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 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);

^{1/} By virtue of the Board's modification of unit in a Decision and Order issued simultaneously herewith (Slip Op. No. 613), this Certification supersedes the Certification of the American Federation of Government Employees (AFGE), Local 1975, as the exclusive representative of the unit set forth in American Federation of Government Employees, Local 1975, AFL-CIO and Department of Transportation, Certification No. 7, PERB Case No. 81-R-07 (1981) and American Federation of Government Employees, Local 1975, AFL-CIO and Department of Public Works, Certification No. 24, PERB Case No. 88-R-03 (1989).

Certification of Representative
PERB Case No. 99-UM-08
and 99-UCN-06

IT IS HEREBY CERTIFIED THAT:

The American Federation of Government Employees, (AFGE), Local 1975, 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 professional and non-professional employees of the Department of Motor Vehicles in the Customer Service Division and in the Adjudication Services Division; 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 9, 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 No. 99-UM-04 and 99-UCN-06 was mailed (U.S. Mail) to the following parties on this the 9th day of December, 1999.

Russell Carpenter
Labor Relations Officer
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and Collective Bargaining
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Jerry Hackney
American Federation of
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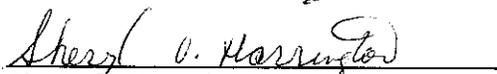
Courtesy Copies:

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