

GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of:)	
American Federation of Government)	
Employees, Local 3871,)	
)	
Petitioner,)	PERB Case No. 83-R-02
)	Opinion No. 60
and)	
)	
District of Columbia Rental)	
Accommodations Office,)	
Respondent.)	

DECISION AND ORDER

On November 29, 1982, the American Federation of Government Employees (AFGE) filed a Recognition Petition seeking to represent all employees of the District of Columbia Rental Housing Commission and Rental Accommodations Office (Employer). On December 2, 1982, Board Notices were forwarded for posting at all employee worksites. The required employee list was received from the Employer on December 21, 1982.

On December 20, 1982, comments were filed with the Board by the Employer. The Employer requested that the Board hold in abeyance any action on this Petition at that time because the District was in the process of reorganizing several departments which would affect the employees in this Petition. Accordingly, the Employer requested that new or amended petitions be considered upon completion of the reorganization. On January 21, 1983, Reorganization Plan No. 1 of 1983 was published in the D.C. Register.

On February 3, 1983, comments were filed with the Board by AFGE, stating essentially, "that the only issue before the Board is (1) whether the unit proposed has a community of interest as it presently exists and (2) whether the proposed unit meets the requirements under the law." AFGE contended that Reorganization Plan No. 1 of 1983 should have no bearing on its Recognition Petition.

Reorganization Plan No. 1 of 1983 is an Executive Order of the Mayor of the District of Columbia which was transmitted to the Council of the District of Columbia on January 3, 1983. Under Section 422(12) of Public Law 93-198, the Plan becomes law sixty (60) days from the time it is transmitted to the Council unless the Council adopts a resolution of disapproval. The sixty (60) days ended on March 31, 1983. The Council had not adopted a resolution of disapproval by that date. No U.S. Congressional review is required because the Plan is not an "act of the D.C. Council".

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Reorganization Plan No. 1 has a significant impact on the employees who are the subjects of AFGE's Recognition Petition. Under the Plan, the Rental Accommodations Office was abolished and all its functions and positions transferred to the Director of the Department of Consumer and Regulatory Affairs. It is uncertain how the reorganization affects the employees' community of interest. It is clear, though, that the unit petitioned for no longer exists since the Rental Accommodations Office was specifically abolished by Reorganization Plan No. 1 of 1983 which became effective on March 31, 1983.

O R D E R

IT IS ORDERED:

The Recognition Petition of AFGE is dismissed.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD
March 30, 1983