

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 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:)	
)	
National Association of Government)	
Employees/SEIU,)	
)	
Labor Organization,)	PERB Case No. 06-AC-01
)	
and)	Opinion No. 892
)	
District of Columbia Office of Unified)	
Communications,)	
)	
Agency.)	

DECISION AND ORDER AMENDING CERTIFICATION

I. Statement of the Case:

The National Association of Government Employees/SEIU, (“NAGE” or “Petitioner”), filed a Petition to Amend Certification (“Petition”) Certification No. 134 by removing the phrase “Local R3-05” from the name of the exclusive representative who is certified to represent employees at the District of Columbia Office of Unified Communications.¹ The District of Columbia Office of Unified Communications, does not oppose the petition.

¹Certification No. 134 certified the National Association of Government Employees/SEIU, Local R3-05 as the exclusive representative for a unit of employees employed by the District of Columbia Office of Unified Communications. See, District of Columbia Office of Unified Communications and National Association of Government Employees/SEIU, Local R3-05, and Communications Workers of America, Local 2336, PERB Case No. 05-UM-01, Certification No. 134 (August 5, 2005).

II. Statement of Case:

On August 5, 2005 the Board certified the National Association of Government Employees/SEIU, Local R3-05 as the exclusive representative for a unit of individuals employed by the District of Columbia Office of Unified Communications. NAGE is seeking to amend Certification No. 134 by removing the phrase "Local R3-05" from the name of the exclusive representative who is certified to represent employees at the District of Columbia Office of Unified Communications. The Petitioner asserts that "[w]hile Local R3-05, is the NAGE Local Union representing the Employees, . . . it is NAGE's policy and practice that the Certificate of Representative reflect NAGE/SEIU alone, as the exclusive bargaining agent for its membership." ² (Petition at p. 2).

Board Rule 516.1 permits amendments to certification "whenever there is a change in the identity of the exclusive representative that does not raise a question concerning representation (e.g., whether the employees have designated a particular organization as their bargaining agent)." ³

NAGE contends that the change in the name of the exclusive representative does not raise a question concerning representation. Therefore, NAGE is requesting that the Board grant its Petition.

An investigation concerning this Petition was conducted pursuant to Board Rule 516.2. As part of this investigation, the Board's Executive Director contacted OUC in order to solicit comments regarding NAGE's Petition. The Office of Labor Relations and Collective Bargaining ("OLRCB") submitted a comment on behalf of the District of Columbia Office of Unified Communications ("OUC" or "Agency") indicating that the Agency does not object to NAGE's Petition.

After reviewing the parties' pleadings and the applicable authority, we find for the reasons discussed below, that the Petition to Amend Certification should be granted.

The issue before us is whether the Petitioner's request to amend its certification should be granted. Pursuant to Board Rule 516.1, the request may be granted unless the change raises a "question of representation". In determining whether the change raises a "question of representation"

²/After reading NAGE's statement, the Board's Executive Director contacted NAGE and challenged this statement by pointing out that when NAGE was certified to represent a unit of employees at the District of Columbia Water and Sewer Authority ("WASA"), that certification contained the name of both the National Association of Government Employees/SEIU and Local R3-06. NAGE acknowledged that fact. However, NAGE claims that they will be filing a petition to amend the WASA certification to reelect the name of NAGE/SEIU alone.

³ "A change in the identity of the representative that does not raise a question concerning representation may include a change in the name of the labor organization." Board Rule 516.1.

we have adopted the National Labor Relations Board's ("NLRB") interpretation of the analogous issue under the National Labor Relations Act.

Whether a union's identity has remained essentially the same or whether it has changed so substantially as to require a new representation election depends on a factual determination. "When making this determination, the NLRB generally considers a number of factors, including 'structure, administration, officers, assets, membership, autonomy, by-laws, size' . . . In addition, the NLRB looks for changes 'in the rights and obligations of the union's leadership and membership'." American Federation of State, County and Municipal Employees, AFL-CIO, et al. and District of Columbia Health and Public Benefit Corporation 47 DCR 6991, Slip Op. No. 620 at p. 6, PERB Case No. 99-AC-01 (2000).

In the instant case, recognition was accorded to the National Association of Government Employees/SEIU, Local R3-05. We find that removing the phrase "Local R3-05" from the name of the exclusive representative who is certified to represent employees at the District of Columbia Office of Unified Communications does not: (1) alter the Union's identity; (2) result in a change in the Union's current officers; and (3) affect the rights and obligations of the Union's leadership and membership. In light of the above, we find that the continuity of representation has been preserved. Therefore, we conclude that a "sufficiently dramatic change" has not occurred in this case and the requested amendment to certification has not given rise to a question concerning representation. As a result, we grant the Petition to Amend Certification as set forth in our Order below.

ORDER

IT IS HEREBY ORDERED THAT:

1. The National Association of Government Employees/SEIU's Petition to Amend Certification is granted.
2. Certification No. 134, PERB Case No. 05-UM-01, is amended by removing the phrase "Local R3-05" from the name of the exclusive representative who is certified to represent employees at the District of Columbia Office of Unified Communications. The change shall be reflected in a new Certification No. 141 which is attached to this Decision and Order.
3. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

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

May 25, 2007

**Government of the District of Columbia
Public Employee Relations Board**

In the Matter of:)	
)	
National Association of Government)	
Employees/SEIU,)	
)	
Labor Organization,)	PERB Case No. 06-AC-01
)	
and)	Certification No. 141
)	
District of Columbia Office of Unified,)	
Communications,)	
)	
Agency.)	
)	

AMENDED CERTIFICATION OF REPRESENTATIVE¹

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 (CMPA), 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 § 1-605.02(1) and (2) and Board Rule 516.1 and 516.2;

IT IS HEREBY CERTIFIED THAT:

The National Association of Government Employees/SEIU, has been designated by a majority of the employees of the above-named public employer in the unit described below, as *their preference for the exclusive representative for the purpose of collective bargaining over terms-and-conditions of employment, including compensation, with the named employer.*

¹ By virtue of the Board's Decision and Order granting the National Association of Government Employees/SEIU's Petition to Amend Certification issued simultaneously herewith (Slip Op. No. 892), this Certification supersedes the previous Certification of the National Association of Government Employees/SEIU, Local R3-05 (Certification No. 134, PERB Case No. 05-UM-01, issued August 5, 2005).

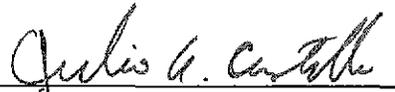
Unit Description:²

All telephone operators, dispatchers, trainers, radio shop employees, communications technicians and clerical staff of the District of Columbia Office of Unified Communications, excluding managers, 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, D.C. Law 2-139.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

Washington, D.C.

May 25, 2007



Julio A. Castillo
Executive Director

² In Slip Op. No. 786, the Board noted that this unit would be placed in Compensation Unit 1. Specifically, paragraph 4 of the Board's Order notes that "Compensation Unit 1 is modified to reflect a change in the identity of the statutory authority of the employing agency of the consolidated unit established under paragraph 2 of this Decision and Order, from the District of Columbia Metropolitan Police Department and the District of Columbia Fire and Emergency Medical Services Department to the District of Columbia Office of Unified Communications. Therefore, the consolidated unit established under paragraph 2 of this Decision and Order, is placed in Compensation Unit 1."

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order Amending Certification in PERB Case No. 06-AC-01 was transmitted via Fax and U.S. Mail to the following parties on this 25th day of May 2007.

Edward Elder, Esq.
Assistant Regional Counsel
NAGE/SEIU
317 South Patrick Street
Alexandria, VA 22314

FAX & U.S. MAIL

Kathryn Naylor, Esq.
Attorney Advisor
D.C. Office of Labor Relations
and Collective Bargaining
441 4th Street, N.W.
Suite 820 North
Washington, D.C. 20001

FAX & U.S. MAIL

Courtesy Copies:

Janice Quintana, Director
District of Columbia Office of
Unified Communications
2720 Martin Luther King Avenue, S.E.
Washington, D.C. 20032

U.S. MAIL

Natasha Campbell, Director
Office of Labor Relations
and Collective Bargaining
441 4th Street, N.W.
Suite 820 North
Washington, D.C. 20001

U.S. MAIL

Certificate of Service
PERB Case No. 06-AC-01
Page 2

Jonathan O'Neill, Esq.
Attorney Advisor
Office of Labor Relations
and Collective Bargaining
441 4th Street, N.W.
Suite 802 North
Washington, D.C. 20001

U.S. MAIL

for Julia P. Castello
Sheryl V. Harrington
Secretary