

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**

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|                                 |   |                         |
|---------------------------------|---|-------------------------|
| In the Matter of:               | ) |                         |
|                                 | ) |                         |
| District of Columbia Government | ) |                         |
| Department of Human Services    | ) |                         |
|                                 | ) |                         |
| Petitioner,                     | ) |                         |
|                                 | ) |                         |
| and                             | ) | PERB Case No. 99-UCN-02 |
|                                 | ) |                         |
| American Federation of State    | ) | Opinion No. 611         |
| County and Municipal Employees, | ) |                         |
| D.C. Council 20, Local 2401,    | ) |                         |
|                                 | ) |                         |
|                                 | ) |                         |
| Union.                          | ) |                         |
|                                 | ) |                         |

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**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 Employees Relation Board (Board), filed a Petition for Unit Modification (Petition),<sup>1/</sup> on behalf of the Department of Human Services (DHS). OLRCB seeks to consolidate three collective bargaining units consisting of employees employed by DHS. (Petition at 2). The American Federation of State, County and Municipal Employees, D.C. Council 20, Local 2401 (AFSCME), is the certified exclusive representative of the units, previously found appropriate for collective bargaining.<sup>2/</sup>

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<sup>1/</sup> The Petition was styled "Petition for Unit Consolidation". However, pursuant to Board Rule 504.3, a petition which seeks to consolidate two or more bargaining units is classified as a petition for unit modification.

<sup>2/</sup> See, American Federation of Government Employees, Local 631 and Department of Public Works, et al., Certification No. 85, PERB Case No. 95-RC-13 (1995) and Certification No. 92, PERB Case No. 95-RC-01 (1996).

**Decision and Order on  
on Unit Modification  
PERB Case No. 99-UCN-02  
Page 2**

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(d) provides that "[a] unit modification may be sought... [t]o consolidate two (2) or more bargaining units within an agency that are represented by the same labor organization." The existing unit descriptions are as follows:

All professional and non-professional employees [employed by the Department of Human Services] in the Office of Investigation and Compliance; excluding internal affairs employees, management, supervisors, confidential employees, employees engaged in personnel work in other than purely clerical capacities 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.

All professional and non-professional employees [employed by the Department of Human Services] in the Office of Contracts, Grants and Procurement; excluding internal affairs employees, management, supervisors, confidential employees, 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.

All non-professional employees employed by the D.C. Department of Human Services under the Management Support Services, Office of Information Systems; excluding management officials, supervisors, confidential employees; 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.

The consolidated unit would consist of thirty (34) employees. The employees in the consolidated unit would share common working conditions, organizational structure and supervision in an integrated work process. (Petition at 4.) In accordance with D.C. Code § 1-618.9(c), we find the units, as consolidated, share a community of interest, and will promote effective labor relations and efficiency of agency operations. We find no question concerning representation exists that would render inappropriate the proposed consolidation. Therefore, we conclude for the foregoing reasons that the units as consolidated is appropriate for

**Decision and Order on  
on Unit Modification  
PERB Case No. 99-UCN-02  
Page 3**

collective bargaining within DHS.

Accordingly, we grant the Petition and consolidate the three non-compensation units as described in the Order and Certification No. 107.<sup>3/</sup>

**ORDER**

**IT IS HEREBY ORDERED THAT:**

The non-compensation units for which the American Federation of State, County and Municipal Employees, D.C. Council 20, Local 2401, is certified as the exclusive representative in Certification Nos. 87, 90 and 104, are consolidated and 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 professional and non-professional employees in the Department of Human Services (DHS) under the Office of Investigation and Compliance and Office of Contracts, Grants and Procurement; and all non-professional employees in DHS under the Management Support Services, Office of Information Systems; except internal affairs employees, all non-professional employees in the Office of Management Support Services, Office of Investigation and Compliance; 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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<sup>3/</sup> D.C. Code §1-618.9(b)(5) prohibits establishing a unit of "[b]oth professional and non-professional employees, unless a majority of the professional employees vote or petition for inclusion in the unit[.]" However, the professional employees in the existing units previously voted for inclusion in a unit with non-professional employees when their existing units of professional and non-professional employees were established. Therefore, the professional employees need not be polled to effect this consolidation request. See, e.g., American Federation of Government Employees, Local 631, AFL-CIO and D.C. Water and Sewer Authority, 46 DCR 4402, Slip Op. No. 498, PERB Case No. 96-UM-03 (1999).

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
PUBLIC EMPLOYEE RELATIONS BOARD

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| District of Columbia Government | ) |                         |
| Department of Human Services    | ) |                         |
|                                 | ) |                         |
| Petitioner,                     | ) |                         |
|                                 | ) |                         |
| and                             | ) | PERB Case No. 99-UCN-02 |
|                                 | ) |                         |
| American Federation of State    | ) | Certification No. 107   |
| County and Municipal Employees, | ) |                         |
| D.C. Council 20, Local 2401     | ) |                         |
|                                 | ) |                         |
|                                 | ) |                         |
| Respondent.                     | ) |                         |
|                                 | ) |                         |

CERTIFICATION OF REPRESENTATIVE <sup>1/</sup>

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(d) and 504.5(e);

**IT IS HEREBY CERTIFIED THAT:**

The American Federation of State, County and Municipal Employees, D.C. Council 20 (AFSCME), Local 2401, has been designated by a majority of the employees of the above-named public

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<sup>1/</sup> By virtue of the Board's modification of unit in a Decision and Order issued simultaneously herewith (Slip Op. No. 611), this Certification supersedes the Certification of the American Federation of State, County and Municipal Employees (AFSCME), Local 2401, as the exclusive representative of the unit set forth in American Federation of State, County and Municipal Employee, D.C. Council 20, Local 2401 and Department of Human Services, Certification No. 87, PERB Case No. 95-RC-14 (1995); Certification No. 90, PERB Case No. 95-RC-17 (1995); and Certification No. 104, PERB Case No. 98-RC-03 (1998).

**Certification of Representative**  
**PERB Case No. 99-UCN-02**

employer in the consolidated 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 in the Department of Human Services (DHS) under the Office of Investigation and Compliance and Office of Contracts, Grants and Procurement; and all non-professional employees in DHS under the Management Support Services, Office of Information Systems; except internal affairs employees, all non-professional employees in the Office of Management Support Services, Office of Investigation and Compliance; 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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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-UCN-02 was mailed (U.S. Mail) to the following parties on this the 9<sup>th</sup> day of December, 1999.

Russell Carpenter  
Labor Relations Officer  
Office of Labor Relations  
and Collective Bargaining  
Suite 200  
441 4<sup>th</sup> Street, N.W.  
Washington, D.C. 20001

U.S. MAIL

Gwendolyn Jones, President  
American Federation of  
State, County and Municipal  
Employees, Local 2401  
717 14<sup>th</sup> Street, N.W.  
Washington, D.C. 20005

U.S. MAIL

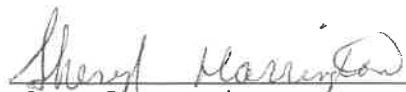
Courtesy Copies:

James O. Baxter  
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U.S. MAIL

Jearline Williams  
Director  
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2700 Martin Luther King, Jr. Avenue, S.E.  
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Washington, D.C. 20032

U.S. MAIL

  
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Sheryl Harrington  
Secretary/Receptionist