# RECEIVED Oct 25 2024 02:38PM EDT DISTRICT OF COLUMBIA

Notice: This decision may be formally revised within thirty days of issupper heforming is the instruction of the Columbia Register. Parties should promptly notify this office of any errors so that they 7487 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

American Federation of Government	)
Employees, Local 1403	)
Emproyees, Zeear 1105	) PERB Case No. 24-UM-01
Petitioner	)
	) Opinion No. 1888
and	)
	)
District of Columbia Office of the	)
Attorney General	)
	)
Respondent	)
	)

#### **DECISION AND ORDER**

#### I. Statement of the Case

On July 1, 2024, the American Federation of Government Employees, Local 1403 (Petitioner) filed a petition for unit modification (Petition). The Petitioner requests that the Board amend Certification No. 121 to change the name of the agency on the certification to reflect the current name of the employing agency since its renaming. A notice was posted at the Office of the Attorney General (Agency). No labor organization filed a request to intervene, and no party filed comments regarding the Petition.

## II. Background

In 2001, PERB certified the American Federation of Government Employees, Local 1403 as the sole and exclusive bargaining representative of the following bargaining unit:

All attorneys employed by the Office of Corporation Counsel, excluding management officials, supervisors, confidential Employees, employees engaged in personnel work other

than in a purely clerical capacity and employees engaged in administering the provisions of XVII of the District of Columbia Merit Personnel Act of 1978, D.C. Law 2-139.<sup>1</sup>

After the issuance of this certification, on May 26, 2004, by Mayor's Order 2004-92, the Office of Corporation Counsel was renamed to be the Office of the Attorney General.<sup>2</sup>

The Petitioner proposes the following change to the description of the bargaining unit:

All attorneys employed by the District of Columbia Office of the Attorney General, excluding management officials, supervisors, confidential Employees, employees engaged in personnel work other than in a purely clerical capacity and employees engaged in administering the provisions of XVII of the District of Columbia Merit Personnel Act of 1978, D.C. Law 2-139.

#### III. Discussion

PERB Rule 505.1(a) provides that a unit modification may be sought to reflect a change in the identity or statutory authority of the agency. The Petitioner has requested a modification because of a change in identity of the employing agency. The Petition does not seek to modify the unit of attorneys covered by Certification No. 121 or state any changes regarding the community of interest shared by the employees in the bargaining unit. The Union and Agency continue to operate under the certification that covered the affected employees when they were employed by the Office of Corporation Counsel. The Agency further does not oppose the Petition.

The requested modification does not give rise to a question concerning the representation of the unit that would necessitate an election. The Board finds that the proposed modification to Certification No. 121 would continue to promote effective labor relations and the efficiency of agency operations. Therefore, the Board grants the Petition and modifies the bargaining unit as described in the Order.

#### **ORDER**

#### IT IS HEREBY ORDERED THAT:

<sup>&</sup>lt;sup>1</sup> AFGE, Local 1403 and Office of the Corporation Counsel, 48 D.C. Reg. 8144, Slip Op. No. 657, PERB Case No. 01-RC-03, Certification No. 121 (2001).

<sup>&</sup>lt;sup>2</sup> Petition at 2.

Decision and Order PERB Case No. 24-UM-01 Page 3

1. The unit for which the American Federation of Government Employees, Local 1403, is certified as the exclusive bargaining representative is modified as will be described as set forth below:

Unit Description:

All attorneys employed by the District of Columbia Office of the Attorney General, excluding management officials, supervisors, confidential Employees, employees engaged in personnel work other than in a purely clerical capacity and employees engaged in administering the provisions of XVII of the District of Columbia Merit Personnel Act of 1978, D.C. Law 2-139.

2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

## BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By vote of Board Chairperson Douglas Warshof and Members Renee Bowser, Mary Anne Gibbons, and Peter Winkler.

October 17, 2024

Washington, D.C.

Decision and Order PERB Case No. 24-UM-01 Page 4

# **APPEAL RIGHTS**

Pursuant to Board Rule 559.2, a party may file a motion for reconsideration, requesting the Board reconsider its decision. Additionally, a final decision by the Board may be appealed to the District of Columbia Superior Court pursuant to D.C. Official Code §§ 1-605.2(12) and 1-617.13(c), which provides 30 days after a decision is issued to file an appeal.