



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:**

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<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>2</sup> Petition at 2.

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.

**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.