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

In the Matter of:)	
)	
National Association of Government Employees, Local R3-05)	
Petitioner)	PERB Case Nos: 15-UM-01
and)	15-CU-02
Metropolitan Police Department)	Opinion No. 1527
and)	
Department of Forensic Sciences)	
Respondents)	
)	

MOTION FOR RECONSIDERATION

I. Statement of the Case

The above-captioned matter is before the Board on a Joint Motion for Reconsideration (“MFR”) by the National Association of Government Employees, Local R3-05 (“NAGE”) and the Department of Forensic Sciences (“DFS”).¹ The parties request that the Board reconsider and clarify its Order in Opinion No. 1519, in which the Board granted a unit modification and compensation unit determination petition filed by NAGE. In Opinion No. 1519, the Board found that a group of employees who were part of a bargaining unit represented by NAGE at MPD, and who were transferred to the newly-created DFS were an appropriate unit for collective bargaining and certified NAGE as their exclusive representative.

¹ The Metropolitan Police Department did not join or oppose the MFR.

II. Discussion

The parties assert that the Board's Order in Opinion No. 1519 does not clearly indicate that employees at MPD, covered by the certification of *District of Columbia Board of Labor Relations*, Case No. 0R002² are still covered by the original certification.³ The Board stated in its Order, "Nothing in this Order is to be construed as altering the scope of the bargaining unit except in the manner discussed in this Decision."⁴ The Board modified the bargaining unit to reflect the change in the identity of the employing agency, DFS, for a portion of the bargaining unit. In Opinion No. 1519, the Board did not decertify NAGE as the exclusive representative for the remaining employees in the bargaining unit at MPD. Further, MPD did not file a decertification petition nor assert that NAGE was no longer the exclusive representative for the remaining employees at MPD. Therefore, NAGE remains the exclusive representative for the remaining bargaining unit employees covered by the certification for Case No. 0R002.

In addition, the parties contend that the Board's language of "the Parties do not dispute that the employees continue to share common working conditions, organizational structure, and supervision" is incorrect. The parties assert that the Board's language is incorrect, because the parties assert employees at MPD and DFS no longer share a community of interest.⁵ The Board finds that the parties' argument is a result of reading the Board's language out of context. In order for the Board to modify a unit, the proposed unit must meet the Board's standards for finding a unit appropriate for collective bargaining.⁶ The language reflects the Board's determination that the modified unit at DFS was appropriate, because the employees as a unit, apart from the established unit at MPD, continued to meet the Board's standards for finding a unit appropriate, including a community of interest among the proposed unit's employees arising from shared working conditions, organizational structure, and supervision at DFS. The Board did not require that the employees in the modified unit continue to also share a community of interest with their former bargaining unit.

The Board has repeatedly held that "a motion for reconsideration cannot be based upon mere disagreement with its initial decision."⁷ Absent authority which compels reversal, the Board will not overturn its decision and order.⁸ The Board does not find that there is authority

² NAGE, Local R3-05 is the certified exclusive representatives for:

All non-professional employees of the Metropolitan Police Department excluding wage grade employees of the Property Division and the Fleet Management Division, management executives, confidential employees, supervisors or any employee engaged in personnel work in other than a purely clerical capacity.

³ MFR at 1-2.

⁴ Opinion No. 1519 at 4.

⁵ MFR at 2.

⁶ See *D.C. Department of Public Works and American Federation of Government Employees, Local 631*, Slip Op. No. 614, PERB Case Nos. 99-UM-06 & 99-UCN-04, for factors that the Board considers for modification of unit.

⁷ *University of the District of Columbia Faculty Association/NEA v. University of the District of Columbia*, 59 D.C. Reg. 6013, Slip Op. No. 1004 at p. 10, PERB Case No. 09-U-26 (2009).

⁸ See *Peterson v. Washington Teachers Union*, Slip Op. No. 1254 at p. 2, PERB Case No. 12-S-01 (2012); *Collins v. American Federation of Government Employees National Office and Local 1975*, 60 D.C. Reg. 2541 Slip Op. No. 1351 at p. 3, PERB Case No. 10-S-10 (2013).

which compels reversal of its Decision and Order in Opinion No. 1519. Therefore, the Board denies the motion for reconsideration.

III. Conclusion

The Joint Motion for Reconsideration is denied. Certification No. 161 will remain in effect for the modified unit found appropriate at DFS.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Joint Motion for Reconsideration is denied.
2. Certification No. 161 remains in effect, certifying NAGE Local R3-05 as the exclusive representative for the unit described below. Nothing in this Order decertifies NAGE Local R3-05 as the exclusive representative for the bargaining unit at MPD described in *District of Columbia Board of Labor Relations*, Case No. 0R002.

Unit Description:

All non-professional employees of the Department of Forensic Sciences, excluding employees in the Public Health Laboratory, managers, supervisors, confidential employees, or any employee engaged in personnel work in more 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.

3. The employees in the above-described unit are placed in Compensation Unit 1.
4. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By unanimous vote of Board Chairperson Charles Murphy, Member Yvonne Dixon, Member Ann Hoffman, and Member Keith Washington

Washington, D.C.

June 25, 2015

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 15-UM-01/15-CU-02 was served to the following parties via File & ServeXpress on this the 29th day of June 2015:

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