

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**

In the Matter of:)	
)	
District of Columbia Office of Corporation Counsel, Child Support Enforcement Division,)	
)	
Petitioner,)	
)	
and)	PERB Case No. 99-UM-04
)	
American Federation of State, County and Municipal Employees, D.C. Council 20, Local 2401,)	Opinion No. 612
)	
)	
Respondent.)	
)	

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), on behalf of the D.C. Office of Corporation Counsel (OCC). OLRCB seeks to change the identity of the employing agency of a collective bargaining unit which consist of employees previously employed by the Department of Human Services (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 unit, previously found appropriate for collective bargaining.^{1/}

The bargaining unit is described as follows:

All non-professional employees of Paternity and Child

^{1/} See, American Federation of State, County and Municipal Employees, Local 2401, AFL-CIO and Department of Human Resources, Bureau of Labor Relations Case No. 0R001 (1979).

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on Unit Modification
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Support Enforcement, Executive Enforcement and Support, Department of Human Resources; excluding management executive, confidential employees, supervisors, or employees engaged in personnel work in other than a purely clerical capacity.

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(a) provides that "[a] unit modification may be sought... [t]o reflect a change in the identity or statutory authority of the employing agency[.]" OLRCB seeks to change the name of the employing agency from the agency name appearing on AFSCME's Certification of Representative, Department of Human Resources^{2/}, to the Office of Corporation Counsel/Child Support Enforcement Division. OLRCB states that the modification is sought as a result of the Mayor's Reorganization Plan No. 1 contained in Mayor's Order 98-57 issued on April 17, 1998. Under the Plan, DHS's "Child Support Enforcement Program", was reorganized under the OCC in its Child Support Enforcement Division. As a result, collective bargaining unit employees, employed in DHS's "Child Support Enforcement Program", were transferred to OCC. (Petition at 3.)

The employees in the consolidated unit would continue to share common working conditions, organizational structure and supervision. Bargaining unit employees have maintained distinctiveness of function in an integrated work process. (Petition at 4.) In accordance with D.C. Code § 1-618.9(c), we find the unit, as modified, continues to 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 requested modification. Therefore, we conclude for the foregoing reasons that the modified unit is appropriate for collective bargaining within OCC.

Accordingly, we grant the Petition and modify the identity of the employing agency of the subject non-compensation unit as described in the Order and Certification No. 109.

^{2/} The Department of Human Resources is the predecessor agency of the Department of Human Services. It is the name of the employing agency that appears in the existing unit description.

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on Unit Modification
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ORDER

IT IS HEREBY ORDERED THAT:

The non-compensation unit for which the American Federation of State, County and Municipal Employees, D.C. Council 20, Local 2401, is certified as the exclusive representative in Bureau of Labor Relations Case No. OR001, is modified 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 non-professional employees of the Office of the Corporation Counsel/Child Support Enforcement Division; 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

GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of:)	
)	
District of Columbia Government)	
Office of Corporation Council/ Child Support Enforcement Division,)	
)	
Petitioner,)	
)	
and)	PERB Case No. 99-UM-04
)	
American Federation of State, County and Municipal Employees, D.C. Council 20, Local 2401,)	Certification No. 109
)	
)	
Union.)	
)	

CERTIFICATION OF REPRESENTATIVE ^{1/}

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(a) and 504.5(e);

IT IS HEREBY CERTIFIED THAT:

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

^{1/} By virtue of the Board's modification of unit in a Decision and Order issued simultaneously herewith (Slip Op. No. 612), this Certification supersedes the Certification of the American Federation of State County and Municipal Employees (AFSCME), D.C. Council 20, Local 2401, as the exclusive representative of the unit set forth in American Federation of State, County and Municipal Employees, D.C. Council 20, Local 2401, AFL-CIO and Department of Human Resources, BLR Case No. 0R001 (1979).

Certification of Representative
PERB Case No. 99-UM-04

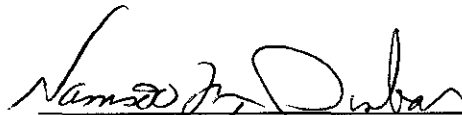
public employer in the modified unit described below, as their preference for its exclusive representative for the purpose of collective bargaining concerning both compensation and terms-and-conditions matters with the employer.

Unit Description:

All non-professional employees of the Office of the Corporation Counsel/Child Support Enforcement Division; 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



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-UM-04 was mailed (U.S. Mail) to the following parties on this the 9th day of December, 1999.

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

U.S. MAIL

Deborah Courtney, President
American Federation of
State, County and Municipal
Employees, Local 2401
717 14th Street, N.W.
Washington, D.C. 20005

U.S. MAIL

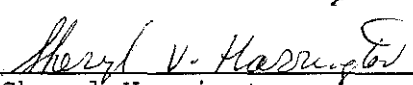
Courtesy Copies:

James O. Baxter
Interim Director
Office of Labor Relations
and Collective Bargaining
Suite 200
441 4th Street, N.W.
Washington, D.C. 20001

U.S. MAIL

Jearline Williams
Director
Department of Human Services
2700 Martin Luther King, Jr. Avenue, S.E.
801 East Building
Washington, D.C. 20032

U.S. MAIL



Sheryl Harrington
Secretary/Receptionist