

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 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: |) | |
| |) | |
| 1199 SEIU, United Healthcare Workers |) | |
| East, MD/DC Division |) | |
| |) | |
| Petitioner, |) | PERB Case No. 07-AC-01 |
| |) | |
| v. |) | Opinion No. 1202 |
| |) | |
| District of Columbia Department of |) | |
| Mental Health |) | |
| |) | |
| |) | |
| |) | |
| |) | |
| Agency. |) | |
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DECISION AND ORDER AMENDING CERTIFICATION

On March 15, 2007, 1199 SEIU, United Healthcare Workers East, MD/DC Division (Petitioner), in accordance with Section 516 of the Rules of the Public Employee Relations Board (PERB), filed a Petition to Amend Certification (Petition). The Petition applied to the unit certified as:

All unrepresented professionals employed by the Commission on Public Health, Department of Human Services, excluding management officials, supervisors, confidential employees or 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 Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139. (citing PERB Case No. 91-R-01, Cert. No. 67 (1992)).

(Petition at pg. 1; Response to Union’s Petition to Amend Certification at pg. 1).

In support of the Petition, Petitioner stated:

1. Effective July 7, 2005, District 1199E-DC merged with Petitioner, pursuant to a vote by a majority of Petitioner's pre-merger membership and a majority of the membership of District 1199E-DC, such vote having been conducted by secret ballot and only after all members of Petitioner and District 1199E-DC had been provided with adequate notice of, and ample opportunity to discuss, the terms of the merger agreement.
2. Under the terms of the merger agreement entered into by Petitioner and District 1199E-DC, District 1199E-DC ceased to exist as a separate labor organization and Petitioner became District 1199E-DC's successor, for purposes of all "city certifications of representative."
3. Under the terms of the merger agreement entered into by Petitioner and District 1199E-DC, Petitioner became bound to conduct the negotiation, servicing and enforcement of what had been District 1199E-DC collective bargaining agreements, "in substantially the same manner as before...including, but not limited to, the election of bargaining unit negotiation committees, the formulation of contract proposals, the negotiation of contract provisions, contract ratification, the conduct of strikes and the processing of grievances, arbitrations once contracts are reached."
4. Since July 7, 2005, Petitioner, in fact, has conducted the negotiation servicing and enforcement of its collective bargaining agreements "in substantially the same manner as before...including, but not limited to, the election of bargaining unit negotiating committees, the formulation of contract proposals, the negotiation of contract provisions, contract ratification, the conduct of strikes and the processing of grievances, arbitrations once contracts are reached."
5. Thus, bargaining unit employees have been afforded reasonable opportunity to approve or disapprove the merger of District 1199E-DC with the Petitioner; they have been guaranteed continuity of representation under the merger of District 1199E-DC and the Petitioner; and District 1199E-DC has ceased to exist as a consequence of the merger of District 1199E-DC and the Petitioner.

(Petition at pg. 2).

In accordance with Board Rule 516.2, a request to respond to the Petition was sent to the Office of Labor Relations and Collective Bargaining (OLRCB), on behalf of the District of Columbia Department of Mental Health. OLRCB responded and expressed that it had no objection to the requested amendment.

Board Rule 516.1 provides:

An exclusive representative shall file a petition with the Board to amend its certification whenever there is a change in the identity of the exclusive

representative that does not raise a question concerning representation (e.g., whether the employees have designated a particular organization as their bargaining agent).

No question concerning representation is raised because bargaining unit employees were afforded reasonable opportunity to object to the merger of District 1199E-DC and Petitioner; bargaining unit employees were guaranteed continuity of representation under the merger; and District 1199E-DC ceased to exist as a result of the merger. In view of the fact that the provisions of Board Rule 516 have been met and no objection has been filed by the parties in interest, we grant the Petition to Amend the Certification as requested.

ORDER

IT IS HEREBY ORDERED THAT:

Certification No. 67, PERB Case No. 07-AC-01, is amended to reflect the merger of District 1199E-DC, with Petitioner, the elimination of District 1199E-DC as a separate labor organization, and the Petitioner's role as District 1199E-DC's successor for purposes of city certifications of representative.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD
Washington, D.C.

October 7, 2011

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 07-AC-01 was transmitted via Fax and U.S. Mail to the following parties on this the 7th day of October 2011.

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