

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**

<hr/>)	
In the Matter of:)	
)	
Metropolitan District 1199DC,)	
National Union of Hospital and)	
Healthcare Employees, AFSCME,)	
AFL-CIO, Chapter 2095)	
)	
Petitioner)	
)	
v.)	PERB Case No. 15-AC-01
)	
District of Columbia Department)	Opinion No. 1550
of Behavioral Health)	
)	
Agency)	(Corrected Copy)
<hr/>)	

DECISION AND ORDER

On May 22, 2015, Metropolitan District 1199DC, National Union of Hospital and Healthcare Employees, AFSCME, AFL-CIO, Chapter 2095 (“Petitioner”), in accordance with Section 516 of the Rules of the Public Employee Relations Board (PERB), filed a Petition to Amend Certification of a bargaining unit at the Department of Behavioral Health (“Agency”). On June 8, 2015, Petitioner filed a Second Amended Petition to Amend Certification of Representation (“Petition”). The Petition applied to the unit certified under PERB Certification No. 45 as:

All non-professional, non-supervisory employees in the Commission on Mental Health Services, Department of Human Services, excluding management executives, confidential employees, supervisors, non-professional employees of the Construction, Electrical, Mechanical, Preventive Maintenance, Garage and Fabric Care Sections, and any employees engaged in personnel work in other than a purely clerical capacity or employees engaged in administering the provisions of D.C. Law 2-139.

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).

In support of the Petition and Amended Petition, Petitioner stated:

1. On or about July 23, 2014, Metropolitan District 1199DC, National Union of Hospital and Healthcare Employees, AFSCME, AFL-CIO (“Union”) Petitioner’s parent organization, amended its bylaws so that its former Locals were converted to Chapters. The change in name reflects a change in the internal organization of the Union.
2. Pursuant to Certification Nos. 45 and 119, Chapter 2095, formerly Local 2095, AFSCME, AFL-CIO, District 1199DC National Union of Hospital and Health Care Employees and American Federation of Government Employees, Local 383 jointly represent the bargaining unit described above.
3. The change in identity does not raise a question concerning representation.

In accordance with Board Rule 516.2, the Agency responded and expressed no objection to the proposed amendment and requested that the Department of Behavioral Health be identified as the former Department of Mental Health.

On June 10, 2015, the American Federation of Government Employees, Local 383 (“AFGE Local 383”) filed a Motion to Intervene in this matter as a necessary party and requested to consolidate this matter with PERB Case No. 15-RC-01. 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.

We also grant AFGE Local 383’s motion to intervene in this matter, but deny its request to consolidate this case with PERB Case No. 15-RC-01.

ORDER

IT IS HEREBY ORDERED THAT:

1. Certification No. 45 is amended to reflect that the name of the Petitioner is now “Metropolitan District 1199DC, National Union of Hospital and Healthcare Employees, AFSCME, AFL-CIO, Chapter 2095.”
2. Certification No. 45 is amended to reflect that the name of the Agency is now “District of Columbia Department of Behavioral Health.”
3. Certification No. 45 remains in effect, certifying Metropolitan District, 1199DC, National Union of Hospital and Healthcare Employees, AFSCME, AFL-CIO, Chapter 2095 and

AFGE, Local 383 as the exclusive representatives for the bargaining unit at the District of Columbia Department of Behavioral Health described in PERB Case No. 87-R-15.

Unit Description:

All non-professional, non-supervisory employees in the District of Columbia Department of Behavioral Health (formerly Department of Mental Health and previously the Commission on Mental Health Services, Department of Human Services), excluding management executives, confidential employees, supervisors, non-professional employees of the Construction, Electrical, Mechanical, Preventive Maintenance, Garage and Fabric Care Sections, and any employees engaged in personnel work in other than a purely clerical capacity or employees engaged in administering the provisions of D.C. Law 2-139.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

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

October 29, 2015

Washington, D.C.

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 15-AC-01, Opinion No. 1550, was served by File & ServXpress on the following parties on this the 4th day of November, 2015.

Stephen W. Godoff
Abato, Rubenstein and Abato, P.A.
809 Gleneagles Court, Suite 320
Baltimore, MD 21286

Divya Vasudevan
Murphy Anderson PLLC
1300 L Street, N.W., Suite 1210
Washington, DC 20005

Matthew W. Casperi
D.C. Department of Behavioral Health
64 New York Avenue, N.E. Third Floor
Washington, DC 20002

/s/ Sheryl Harrington

PERB