

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**

Metropolitan District 1199DC,)
National Union of Hospital and)
Healthcare Employees, AFSCME,)
AFL-CIO, Chapter 3758)
)
Petitioner)
)
v.)
)
District of Columbia Department)
of Behavioral Health)
)
Agency)
)

PERB Case No. 15-AC-02

Opinion No. 1545

DECISION AND ORDER

On May 22, 2015, Metropolitan District 1199DC, National Union of Hospital and Healthcare Employees, AFSCME, AFL-CIO, Chapter 3758 ("Petitioner"), filed a Petition to Amend Certification (Petition to Amend) in accordance with Section 516 of the Rules of the Public Employee Relations Board (PERB). The Petition referred to the unit certified under PERB Certification No. 75 as

All clinical psychology interns and residents who are being paid by the District of Columbia Commission on Mental Health Services, excluding management officials, supervisors, confidential employees, employees engaged in personnel work in other than a purely clerical capacity and employees engaged in personnel work in other than a purely clerical capacity and employees engaged in the administering of the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, as amended, D.C. Law 2-137.

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, Petitioner stated:

1. On or about July 23, 2014, Metropolitan District 1199DC, National Union of Hospital and Healthcare Employees, AFSCME, AFL-CIO, formerly American Federation of State, County and Municipal Employees, District of Columbia Council 20, 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 No. 75, Chapter 3758, formerly American Federation of State, County and Municipal Employees, District of Columbia Council 20, AFL-CIO represents 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.

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:

1. Certification No. 75, PERB Case No. 92-R-08, is amended to change the certification to reflect that the name of the Petitioner is now "Metropolitan District 1199DC, National Union of Hospital and Healthcare Employees, AFSCME, AFL-CIO, Chapter 3758."
2. Certification No. 75 is amended to change the certification to reflect that the name of the Agency is now "District of Columbia Department of Behavioral Health."
3. Certification 75 remains in effect, certifying Metropolitan District 1199DC, National Union of Hospital and Healthcare Employees, AFSCME, AFL-CIO, Chapter 3758 as the exclusive representative for the bargaining unit at the District of Columbia Board of Mental Health described in PERB Case No. 92-R-08.

Unit Description:

All clinical psychology interns and residents who are being paid by the District of Columbia Department of Behavioral Health (formerly Commission on Mental Health Services), excluding management officials, supervisors, confidential employees, employees engaged in personnel work

in other than a purely clerical capacity and¹ employees engaged in the administering of the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, as amended, D.C. Law 2-139².

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.

Date: September 22, 2015

Washington, D.C.

¹ The following language has been omitted from the original Certification No. 75, "... employees engaged in personnel work in other than a purely clerical capacity and..." It appears to be a typographical error as duplicative of the immediately preceding language. This amendment is made only to the extent that the language herein described is in error.

² The original certification refers to D.C. Law 2-137. This was a typographical error and has been corrected in this amendment.

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of October, 2015, that a copy of the foregoing Decision and Order was transmitted via File and ServeXpress and first class mail, postage prepaid, to:

Wanda Shelton-Martin, Area Director
Kate Croson, President
8181 Professional Place, Suite 116
Landover, MD 20785

Dean Aqui, Interim Director
Office of Labor Relations and Collective Bargaining
441 Fourth Street, NW
Suite 820 North
Washington, DC 20001

Barbara Bazron, Interim Director
Department of Behavioral Health
64 New York Avenue, NE, 3rd Floor
Washington, DC 20002

Stephen Godoff, Esq.
Heather Heilman, Esq.

809 Gleneagles Court, Suite 320
Baltimore, MD 21286

/s/ Sheryl V. Harrington
Administrative Assistant

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

Metropolitan District 1199DC,)	
National Union of Hospital and)	
Healthcare Employees, AFSCME,)	
AFL-CIO, Chapter 3758)	
(Previously known as AFSCME,)	Certification No. 75
DC Council 20, AFL-CIO))	PERB Case No. 92-R-08
 Petitioner)	
 v.)	
)	As amended September 22, 2015
District of Columbia Department)	Op. No. 1545
of Behavioral Health)	PERB Case No. 15-AC-02
(Previously known as DC DHS)	
Commission on Mental Health Services))	
 Agency)	

AMENDED CERTIFICATION OF REPRESENTATIVE

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 Comprehensive Merit Personnel Act of 1978 (CMPA), the Rules of the Board and an Election Agreement executed by the parties, and it appearing that a majority of the valid ballots has been cast for a representative for the purposes of exclusive recognition;

Pursuant to the authority vested in the Board by D.C. Code, Section 1-618.10(a) and the Rules of the Board, Section 515.3;

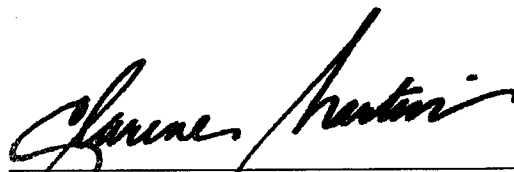
IT IS HEREBY CERTIFIED THAT:

The Metropolitan District 1199DC, National Union of Hospital and Healthcare Employees, AFSCME, AFL-CIO, Chapter 3758, has been designated by the employees in the unit described below as their preference for exclusive representative for the purpose of collective bargaining over terms and conditions of employment, including compensation, with the District of Columbia Department of Behavioral Health.

UNIT:

“All clinical psychology interns and residents who are being paid by the District of Columbia Department of Behavioral Health, excluding management officials, supervisors, confidential employees, employees engaged in personnel work in other than a purely clerical capacity and employees engaged in the administering of the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, as amended, D.C. Law 2-139.”

September 22, 2015

A handwritten signature in black ink, appearing to read "Clarence Phyllis Martin", written in a cursive style. The signature is positioned above a horizontal line.

Clarence Phyllis Martin
Executive Director

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of October, 2015, that a copy of the foregoing Amended Petition to Amend Certification of Representation was transmitted by File and ServeXpress and first class mail, postage prepaid, to:

Wanda Shelton-Martin, Area Director
Kate Croson, President
8181 Professional Place, Suite 116
Landover, MD 20785

Dean Aqui, Interim Director
Office of Labor Relations and Collective Bargaining
441 Fourth Street, NW
Suite 820 North
Washington, DC 20001

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/s/ Sheryl V. Harrington
Administrative Assistant