

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**

In the Matter of:)	
)	
1199 Metropolitan District, DC,)	PERB Case No. 05-RC-02
National Union of Hospital and)	
Health Care Employees, AFSCME,)	Opinion No. 823
AFL-CIO,)	
)	
Petitioner,)	
)	
and)	
)	
District of Columbia Department)	
of Mental Health,)	
)	
Agency.)	

**DECISION ON UNIT DETERMINATION AND
VOLUNTARY RECOGNITION**

The 1199 Metropolitan District, DC, National Union of Hospital and Health Care Employees, AFSCME, AFL-CIO ("NUHHCE," "Union" or "Petitioner"), filed a Recognition Petition ("Petition") in the above-captioned proceeding. NUHHCE seeks to represent, for purposes of collective bargaining, all pharmacists employed by the District of Columbia Department of Mental Health. The Petition was accompanied by a showing of interest and a copy of the Petitioner's Constitution. (See Board Rules 502.1(d) and 502.2)

After conducting an investigation, the Board determined that NUHHCE satisfied the showing of interest requirement of Board Rule 502.2. As a result, on May 12, 2006, Notices concerning the Petition were issued for conspicuous posting where Notices to employees are normally located at the District of Columbia Department of Mental Health. The Notices indicated that requests to intervene and/or comments should be filed in the Board's Office no later than June 12, 2006. On May 30, 2006, the District of Columbia Department of Mental Health confirmed that the Notices were posted. Also, the District of Columbia Department of Mental Health does not dispute the appropriateness of the proposed bargaining unit pursuant to the criteria set forth under the Comprehensive Merit Personnel Act as codified under D.C. Code §1-617.09(a) (2001 ed.). Furthermore, the District of Columbia Department of Mental Health submitted comments indicating their willingness to

voluntarily recognize NUHHCE as the exclusive representative.¹

NUHHCE seeks to represent the following proposed unit:

All pharmacists employed by the District of Columbia Department of Mental Health, excluding management officials, confidential employees, supervisors, 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 Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

D.C. Code § 1-617.09(a) (2001 ed.), requires that a community of interest exist among employees in order for a unit to be found appropriate by the Board for collective bargaining over terms and conditions of employment. An appropriate unit must also promote effective labor relations and efficiency of agency operations.

Our review of the Petition and exhibits reveals that the proposed unit consists of all pharmacists employed by the District of Columbia Department of Mental Health. All of these pharmacists share a common organizational structure and mission within the District of Columbia Department of Mental Health. In addition, all of the pharmacists are covered by the same pay schedule and are subject to the same rules and regulations. No other labor organization represents these pharmacists. Also, there is no collective bargaining agreement in effect covering any of these pharmacists.

In view of the above, sufficient factors exist for the Board to find that these employees share a community of interest. Such a unit of pharmacists employed by the District of Columbia Department of Mental Health sharing a common purpose and mission would, in our view, promote effective labor relations and efficiency of agency operations, and thereby constitute an appropriate unit under the Comprehensive Merit Personnel Act.

The District of Columbia Department of Mental Health has expressed a willingness to voluntarily recognize NUHHCE as the exclusive representative for the proposed unit. Board Rule 502.12 provides in relevant part that "the Board may permit the employing agency to recognize the labor organization without an election on the basis of evidence that demonstrates majority status (more than 50%). . . indicating that employees wish to be represented by the petitioning labor organization."

We have reviewed the evidence and conclude that it establishes the will of a majority of the employees in the unit regarding their desire to be represented by NUHHCE for purposes of collective bargaining with the District of Columbia Department of Mental Health on compensation and other

¹In a letter submitted July 14, 2006, the agency noted that they will voluntarily recognize the Union if a majority of employees indicate that they desire to be represented by NUHHCE.

terms and conditions of employment. We find in all other respects that the requirements of D.C. Code § 1-617.10(b)(1) (2001 ed.) and Board Rule 502.12 have been met. Therefore, a certification of representative shall be granted to NUHHCE without an election.

ORDER

IT IS HEREBY ORDERED THAT:

1. The following unit is an appropriate unit for collective bargaining over terms and conditions of employment:

All pharmacists employed by the District of Columbia Department of Mental Health, excluding management officials, confidential employees, supervisors, 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 Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

2. Pursuant to D.C. Code § 1-617.10(b)(1) (2001 ed.) and in accordance with Board Rule 502.12, the District of Columbia Department of Mental Health, is permitted to voluntarily recognize, without an election, the 1199 Metropolitan District, DC, National Union of Hospital and Health Care Employees, AFSCME, AFL-CIO ("NUHHCE") as the exclusive representative of the unit found to be appropriate above.
3. The attached Certification of Representative is granted to NUHHCE as the exclusive collective bargaining representative for the unit found appropriate for the purpose of collective bargaining over compensation and other terms and conditions of employment.
4. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

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

August 8, 2006

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD**

In the Matter of:)	
)	
1199 Metropolitan District, DC,)	PERB Case No. 05-RC-02
National Union of Hospital and)	
Health Care Employees, AFSCME,)	Certification No. 140
AFL-CIO,)	
)	
Petitioner,)	
)	
and)	
)	
District of Columbia Department)	
of Mental Health,)	
)	
Agency.)	
)	

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 it appearing that an exclusive representative has been properly recognized;

Pursuant to the authority vested in the Board by the CMPA, as codified under D.C. Code §§ 1-605.02(1) and (2) and 1-617.10 (b)(1) (2001 ed.); and in accordance with Board Rule 502.12,

IT IS HEREBY CERTIFIED THAT:

The 1199 Metropolitan District, DC, National Union of Hospital and Health Care Employees, AFSCME, AFL-CIO, has been designated by the employees of the above-named public employer in the unit described below, as their exclusive representative for the purpose of collective bargaining over terms and conditions of employment, including compensation, with the named employer.

Unit Description:

All pharmacists employed by the District of Columbia Department of Mental Health, excluding 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

Certification of Representative
PERB Case No. 05-RC-02
Page 2

Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

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

August 8, 2006


Julio A. Castillo
Julio A. Castillo
Executive Director

CERTIFICATE OF SERVICE

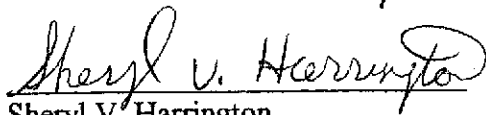
This is to certify that the attached Decision on Unit Determination in PERB Case No. 05-RC-02 was transmitted via Fax and U.S. Mail to the following parties on this the 8th day of August 2006.

Ivy M. McKinley, Director
of Human Resources
Government of the District of Columbia
Department of Mental Health
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