

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of:

Committee of Interns and Residents,

Petitioner,

and

Department of Human Services,  
Commission on Mental Health Services,

Agency.

PERB Case No. 90-R-04  
Opinion No. 269

DECISION ON UNIT DETERMINATION  
AND DIRECTION OF ELECTION

On March 20, 1990, the Committee of Interns and Residents (CIR) filed a Recognition Petition with the D.C. Public Employee Relations Board (Board) seeking the exclusive right to represent a unit of medical and dental interns, residents, and fellows employed by the Commission on Mental Health Services, Department of Human Services (CMHS) pursuant to D.C. Code Section 1-618.10. The Petition was properly accompanied by a showing of interest meeting the requirements of the Board's Interim Rule 101.12 (now Board Rule 502.2).

Notices concerning the Petition were timely posted by April 3, 1990. CMHS submitted a Response to Recognition Petition wherein it opposed the Petition.

This matter was heard by a Board-designated Hearing Examiner on September 22, 1990. In a Report and Recommendation (R&R) dated January 5, 1991, a copy of which is annexed hereto, the Hearing Examiner carefully canvassed the record evidence, the parties' contentions, and the cases cited. After doing so, the Hearing Examiner recommended that the proposed unit be found appropriate.

Neither party filed exceptions to the Hearing Examiner's Report and Recommendation. After reviewing the record, the arguments to the Hearing Examiner and the Hearing Examiner's Report and Recommendation, the Board finds the Hearing Examiner's analysis, reasoning and conclusion to be rational and persuasive. Accordingly, the Board adopts the Hearing Examiner's findings, conclusions and recommendation and finds the following unit appropriate for bargaining over terms and conditions of employment:

"All medical and dental interns, residents and fellows who are being paid by the Commission on Mental Health Services, D.C. Department of Human Services. Excluded are management officials or 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, as amended." <sup>1/</sup>

To resolve the question concerning representation, the Board orders that an election be held to determine the will of the employees eligible to vote in the unit described above regarding representation in collective bargaining with CMHS.

ORDER

IT IS HEREBY ORDERED THAT:

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

"All medical and dental interns, residents and fellows who are being paid by the Commission on Mental Health Services, D.C. Department of Human Services. Excluded are management officials or 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, as amended."

2. An election shall be held in accordance with the provisions of D.C. Code Section 1-618.10 and Sections 510 - 515 of the Rules of the Board to determine whether or not the employees in the

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<sup>1/</sup> Since we find that the prevailing party has not met any of the criteria for the payment of costs pursuant to D.C. Code Section 1-618.13(d) as set forth in our decision in American Federation of State, County and Municipal Employees, District Council 20, Local 2776 v. D.C. Department of Finance, 37 DCR 5656, Slip Op. No. 245, PERB Case No. 89-U-02, we also adopt the Hearing Examiner's conclusion and recommendation that both parties' requests for costs be denied.

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above-described unit wish to be represented by the Committee of Interns and Residents for purposes of collective bargaining for compensation and other terms and conditions of employment.

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

February 15, 1991