

Decision and Order

PERB Case Nos. 98-S-07 and 98-U-19

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D.C. Code Secs. 1-618.3(a) and 1-618.4(b).

A hearing was held in this matter. However, the issues in this proceeding mirror those raised in American Federation of State, County and Municipal Employees, AFL-CIO and American Federation of State, County and Municipal Employees, Locals 1033 and 2097, and District of Columbia Health and Hospitals Public Benefit Corporation, PERB Case No. 99-AC-01.^{1/} As a result, the parties agreed that this proceeding (PERB Case Nos. 98-S-07 and 98-U-19), should be held in abeyance pending the Board's decision in PERB Case No. 99-AC-01.

On April 7, 2000, the Board granted AFSCME's Petition to Amend Certification in PERB Case No. 99-AC-01. A motion for reconsideration was filed by the Intervenors requesting that the Board reconsider the April 7th decision. The Board denied the motion.^{2/}

The Hearing Examiner opined that the Board's decision in Opinion No. 620, resolved the issues in the present complaint. As a result, she issued an Order directing the parties to show cause why the consolidation should not be dismissed based on the Board's findings in Opinion No. 620. Only AFSCME submitted a response. In its response, AESCME asserts that the consolidated complaint should be dismissed.

In view of the Board's decision in Opinion No. 620, the Hearing Examiner recommends that the consolidated complaint be dismissed. The Hearing Examiner's Report and Recommendation is before the Board for disposition.

After reviewing the pleadings in this proceeding, we find that the arguments raised by the Complainant, were previously considered and rejected by the Board in Opinion No. 620 (PERB Case No. 99-AC-01). In short, the Complainant has failed to raise any new issues. As a result, we find that the Hearing Examiner's findings and conclusions are reasonable and supported by Board

^{1/} In PERB Case No. 99-AC-01, AFSCME filed a Petition to Amend Certification. In its petition, AFSCME asserted that the reason for the proposed amendment was to reflect an administrative change in the affiliation of Locals 1033 and 2097 from District Council 20, to the Metropolitan District 1199 D.C., National Union of Hospital and Health Care Employees. Locals 1033 and 2097 filed a motion to intervene. The intervenors objected to the petition. The intervenors objections were twofold. First, they claimed that NUHHCE was not a subordinate body of AFSCME but rather a separate entity. Second, they raised due process issues concerning how AFSCME affected the change from D.C. Council 20 to NUHHCE.

^{2/} See, American Federation of State, County and Municipal Employees, AFL-CIO and American Federation of State, County and Municipal Employees, Locals 1033 and 2097 and District of Columbia Health and Hospitals Public Benefit Corporation, 47 DCR 7213, Slip Op. No. 632, PERB Case No. 99-AC-01 (2000).

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precedent.

In view of the above, we adopt the recommendation of the Hearing Examiner and dismiss the Consolidated Complaint in its entirety..

ORDER

IT IS HEREBY ORDERED THAT:

1. The Consolidated Complaint is dismissed.
2. Pursuant to Board Rule 559.1, this Order shall be final upon issuance.

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

February 1, 2001

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case Nos. 98-S-07 and 98-U-19 was served by first class mail, on the following parties on this 1st day of February, 2001.

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