

**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 and opportunity for a substantive challenge to the decision.

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

In the Matter of:	)	
	)	
District of Columbia	)	
Commission on Mental Health Services,	)	
	)	
Petitioner,	)	PERB Case Nos. 98-UM-03 and 98-CU-03
	)	
and	)	Opinion No. 634
	)	
American Federation of State County and	)	
Municipal Employees, District Council 20;	)	
Doctors Council of District of Columbia;	)	
Committee of Interns and Residents; Service)	)	
Employees International Union;	)	
D.C. Nurses Association; and Washington	)	
Area Metals Trade Council/LIUNA,	)	
	)	
Labor Organizations.	)	
	)	

**Decision And Order**

Pursuant to Section 504 of the Rules of the Public Employee Relations Board (Board), the District of Columbia Commission on Mental Health Services filed a Petition for Unit Modification (Petition). This Petition was filed after a Receiver was appointed to manage the affairs of the District of Columbia Commission on Mental Health Services (CMHS). CMHS is seeking modification of its placement in certain compensation units, as well as modification of the non-compensation bargaining units. Specifically, CMHS is requesting modification of Compensation Unit 29 and the non-compensation bargaining units described in Certification Nos. 42, 43, 45, 46, 64, 66, 68 and 75. Also, the Petition is seeking to remove CMHS' bargaining units from Compensation Units 1, 2, 13, and 19. CMHS is asking the Board to establish four (4) new Compensation Units limited to CMHS bargaining units. This modification is being sought in order to reflect a change in the identity and authority of the employing agency from the District of Columbia Department of Human Services (DHS) to CMHS.

During the course of the investigation of the Petition, CMHS filed an Amended Petition and

Decision and Order

PERB Case Nos. 98-UM-03 and 98-CU-02

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Second Amended Petition. The two amended petitions effectively withdrew CMHS' modification requests with respect to Compensation Unit 19 and Certification No. 42.

CMHS is seeking to change the name of the employing agency on affected non-compensation unit descriptions involving CMHS employees from DHS/CMHS to simply CMHS. The Petition claims that this is needed, in order to reflect the authority of the appointed receiver. This proposed change in the identity or authority of the employing agency is not disputed by the parties. As a result, the requested modification of the non-compensation units, present no disputed issue of fact. However, the requested modifications concerning compensation units raise significant issues of fact not established by the pleadings. Therefore, the Petition was referred to a Hearing Examiner. The Hearing Examiner issued a Report and Recommendation. Exceptions to the Hearing Examiner's Report were filed by the parties.

At the Board's May 14, 2000 meeting, the Board considered CHMS' Petition and the Hearing Examiner's Report and Recommendation. However, the Board voted to table this matter until our June 2000 meeting. The Board took this action in order to allow staff to obtain additional information.

Prior to our June meeting, CHMS informed the Board's Executive Director, that a "transitional receiver" has been appointed to manage CHMS. Also, CHMS notified the Board that it anticipates that CHMS will be removed from under the authority of the receiver and returned back to District of Columbia Government. In view of these developments, CHMS has requested that the Board: (1) hold this matter in abeyance; and (2) take further action on CHMS' Petition. CHMS notes that they are making this request in "consideration of the projected return of the Commission on Mental Health Services to the D.C. Government". (Petitioner's Request) Consistent with CMHS' request this matter will be held in abeyance for nine months.

**ORDER**

**IT IS HEREBY ORDERED THAT:**

1. The Unit Modification Petition be held in abeyance for nine months.
2. The Commission on Mental Health Services shall notify the Public Employee Relations Board (Board), in writing within fourteen (14) days after the expiration of the nine month period noted in paragraph 1, whether it wishes to proceed with the Unit Modification Petition.

**By Order of the Public Employee Relations Board  
Washington, D.C.**

**July 14, 2000**

**CERTIFICATE OF SERVICE**

This is to certify that the attached Decision and Order in PERB Case Nos. 98-UM-03 and 98-CU-03 was transmitted via Fax and /or U.S. Mail to the following parties on this 14<sup>th</sup> day of July, 2000.

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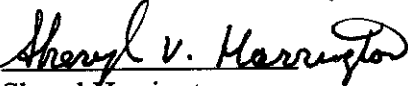
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