

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 formal 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:)	
)	
Doctors' Council of the District)	
of Columbia General Hospital,)	
)	
Complainant,)	PERB Case No. 95-U-12
)	Opinion No. 468
v.)	
)	
District of Columbia)	
General Hospital,)	
)	
Respondent.)	

DECISION AND ORDER

The facts and issues that gave rise to this case are set out by the Hearing Examiner in his Report and Recommendation.^{1/} The Hearing Examiner found that the District of Columbia General Hospital (DCGH) violated the Comprehensive Merit Personnel Act (CMPA), as codified under D.C. Code § 1-618.4(a)(1) and (5), by failing to provide certain information and to timely provide other information requested by the Doctors' Council of the District of Columbia General Hospital (the Union or Doctors' Council) during negotiations over a then-impending reduction in force (RIF) affecting bargaining unit employees. The Hearing Examiner found that the information was necessary and relevant to the Doctors' Council role as the exclusive bargaining representative of bargaining unit employees. The Hearing Examiner further found that in denying the information, Respondent DCGH, "acted in bad faith and in complete disregard of its bargaining obligation" and therefore recommended that the Doctors' Council request for costs (excluding attorney fees) be granted.

No exceptions were filed by either party to the findings, conclusions and recommendations made by the Hearing Examiner in his

^{1/} The Hearing Examiner's Report and Recommendation is attached as an appendix to this Opinion.

Report.^{2/}

Pursuant to D.C. Code Sec. 1-605.2(3) and Board Rule 520.14, the Board has reviewed the findings, conclusions and recommendations of the Hearing Examiner and the entire record. The Board hereby adopts the Hearing Examiner's finding and conclusion that DCGH violated D.C. Code Sec. 1-618.4(a)(1) and (5), when it failed to provide information and timely provide other information (as discussed in the Hearing Examiner's Report) that was relevant and necessary to the Union's role as employees' exclusive representative with respect to impact and effects bargaining over DCGH's RIF. See, e.g., International Brotherhood of Police Officers, Local No. 445, AFL-CIO v. D.C. Dep't of Administrative Services, ___DCR ___, Slip Op. No. 401, PERB Case No. 94-U-13 (1994). We also adopt the Hearing Examiner's recommended relief, including an Order directing DCGH to pay the costs incurred by the Doctors' Council to pursue this action.

ORDER

IT IS HEREBY ORDERED THAT:

1. The District of Columbia General Hospital (DCGH) shall cease and desist from refusing to bargain in good faith with the Doctors' Council of the District of Columbia General Hospital (Doctors' Council) concerning a reduction in force (RIF).
2. The DCGH shall furnish the Doctors' Council with the requested information, as set forth in the Hearing Examiner's Report and Recommendation, concerning DCGH's RIF.
3. DCGH shall provide the information requested not later than fourteen (14) days following the issuance of this Opinion.
4. DCGH shall cease and desist from interfering, in any like and related manner, with the rights guaranteed employees and exclusive bargaining representatives by the Comprehensive Merit Personnel

^{2/} Among the information requested was a disputed alternative employee register used by DCGH to determine what employees would be subject to the RIF. The Hearing Examiner declined to recommend a status quo ante remedy with respect to the RIFs that had already taken place since there is a pending arbitration involving these parties concerning whether certain employees should have been subject to the RIF under the disputed register. We agree with the Hearing Examiner that in view of the pending arbitration addressing this issue, status quo ante relief is not appropriate in this proceeding.

Act.

5. DCGH shall post conspicuously within ten (10) days from the service of this Opinion the attached Notice at all of the affected work sites for thirty (30) consecutive days.

6. DCGH shall notify the Public Employee Relations Board (PERB), in writing, within fourteen (14) days from the date of this Order that the Notices have been posted and as to the steps it has taken to comply with the directives in paragraphs 2, 3, 4 and 5 of this Order.

7. The Complainant shall submit to the PERB, within fourteen (14) days from the date of this Order, a statement of the costs sought from DCGH together with supporting documentation; DCGH may file a response to the statement within fourteen (14) days from service of the statement upon it.

8. DCGH shall pay to Complainant his reasonable expenses incurred in this proceeding within ten (10) days from the determination by the Board or its designee as to the amount of those reasonable costs.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

Washington, D.C.
February 20, 1996



Public
Employee
Relations
Board

Government of the
District of Columbia



415 Twelfth Street, N.W.
Washington, D.C. 20004
[202] 727-1822/23
Fax: [202] 727-9116

NOTICE

TO ALL EMPLOYEES REPRESENTED BY THE DOCTORS' COUNCIL OF THE DISTRICT OF COLUMBIA GENERAL HOSPITAL: THIS OFFICIAL NOTICE IS POSTED BY ORDER OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA PUBLIC EMPLOYEE RELATIONS BOARD PURSUANT TO ITS DECISION AND ORDER IN SLIP OPINION NO. 468, PERB CASE NO. 95-U-12 (February 20, 1996).

WE HEREBY notify our employees that the Public Employee Relations Board has found that we violated the law and has ordered us to post this notice.

WE WILL cease and desist from refusing to provide the Doctors' Council of DCGH with requested information relevant and necessary to its representational duties.

WE WILL provide the Doctors' Council with the specific information it requested concerning the reduction in force.

WE WILL NOT, in any like or related manner, interfere with the rights of the Doctors' Council guaranteed by the Comprehensive Merit Personnel Act as the exclusive representative of bargaining unit employees.

D.C. General Hospital

DATE: _____ BY: _____
Director

This Notice must remain posted for thirty (30) consecutive days from the date of posting and must not be altered, defaced or covered by any other material.

If employees have any questions concerning the Notice or compliance with any of its provisions, they may communicate directly with the Public Employee Relations Board, whose address is: 415-12th Street, N.W., Suite 309, Washington, D.C. 20004.
Phone: (202) 727-1822.