

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:

Doctors Council of the District
of Columbia General Hospital,

Complainant,

v.

District of Columbia General Hospital,

and

Health and Hospital Public
Benefit Corporation,

Respondents.

PERB Case No. 97-U-25

Opinion No. 889

DECISION AND ORDER

This matter comes before the Public Employee Relations Board ("Board") on remand from the Superior Court of the District of Columbia by Order dated March 13, 2007. The Superior Court remanded the case to the Board with instructions, following the decision of the District of Columbia Court of Appeals, in *Doctors Council of the District of Columbia General Hospital v. District of Columbia Public Employee Relations Board*, 914 A.2d 682 (2007).

Specifically, the Superior Court remanded the case to the Board with instructions:

"(1) to vacate its decision and order dismissing Doctors Council-Hospital Physician's complaint with respect to the violation of D.C. Code § 1-618.4(a)(3) and to enter an order adopting the Hearing Examiner's findings, conclusions and recommendation regarding wage parity for doctors who are members of Doctors Council-Hospital-Physicians; and (2) to vacate its decision and order dismissing Doctors

Council-Hospital Physician's complaint regarding the violation of D.C. Code § 1-618.4(a)(5) and to decide whether the record supports the Hearing Examiner's findings and conclusions as to DCGH's alleged refusal to bargain in good faith with Doctors' Council-Hospital Physicians." *Doctors Council of the District of Columbia General Hospital v. District of Columbia Public Employee Relations Board*, No. 1998 CA 000010 P MPA, Slip Op. at p. 1 ((D.C. Superior Ct. March 13, 2007).

The Board has reviewed the entire record in this matter and hereby adopts the Hearing Examiner's Report and Recommendation, dated December 2, 1997. The Board finds that the Hearing Examiner's finding that the District of Columbia General Hospital ("DCGH") failed to make wage parity adjustments for Hospital medical officers based on discriminatory considerations in violation of D.C. Code § 1-618.4(a)(3)(1981 ed.)¹ is supported by the record. Accordingly, the Board adopts the Hearing Examiner's conclusion that "the wage parity adjustments would have taken place on October 1, 1996 and that the Hospital medical officers affected are entitled to back pay and interest commencing on that date." (Hearing Examiner's Report at p. 10).

The Board finds further that the record supports the Hearing Examiner's finding that DCGH reneged on its contractual agreement with Doctors' Council Hospital Physicians and acted "in a manner designed to ensure that the agreement would not receive the approval of the Mayor and the City Council," in violation of D.C. Code § 1-618.4(a)(5)(1981 ed.).² Id. at p. 9.

Accordingly, the Board remands this case to the Hearing Examiner for further proceedings to determine the remedy to make employees whole for the loss of wage parity adjustments to which they were entitled by computing the value of such payments from October 1, 1996 with interest in the manner described in the Hearing Examiner's Report and Recommendation.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Board's Executive Director shall: (1) assign this matter to a Hearing Examiner and (2) schedule a hearing.
2. The purpose of the hearing referenced in paragraph 1 of this Order, is to determine the

¹Currently codified at D.C. Code § 1-617.04(a)(3)(2001 ed.).

²Currently codified at D.C. Code § 1-617.04(a)(5)(2001 ed.).

remedy necessary to make employees whole for the loss of wage parity adjustments to which they were entitled by computing the value of such payments from October 1, 1996 to the present, with interest in the manner described in the Hearing Examiner's Report and Recommendation dated December 2, 1997.

3. The Notice of Hearing shall be issued no less than seven (7) days prior to the date of the hearing.
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.

April 10, 2007

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 97-U-25 was transmitted via Fax and U.S. Mail to the following parties on this the 10th day of April 2007.

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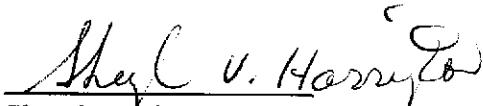
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