

GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of:

The Doctors' Council of the
District of Columbia,

Petitioner,

and

The District of Columbia Government,

Respondent.

PERB Case No. 84-R-12
Opinion No. 139

DECISION AND ORDER

On December 6, 1985, the Public Employee Relations Board (Board) issued Opinion No. 128. In its Opinion the Board established a collective bargaining unit for the purpose of terms and conditions bargaining consisting of health care professionals in the District of Columbia Departments of Human Services (DHS) and Corrections (DOC).

On January 6, 1986, the Office of Labor Relations and Collective Bargaining (OLRCB) on behalf of the Employer filed with the Board a "Request for Reconsideration." The OLRCB contends that there are several errors in the Opinion that warrant the Board's Reconsideration of its Opinion.

The Board has considered the pleadings of the parties and finds that the arguments advanced by OLRCB are not an adequate basis for the Board's reconsideration of Opinion No. 128. OLRCB fails to show error in the Board's earlier finding that the petition was timely. The statute does not prohibit establishment of terms-and-conditions units that cut across agency lines, as OLRCB contends for the first time in this motion for reconsideration.

The record indicates that OLRCB originally told the Board that the total number of employees in the proposed unit was 115 and not 167. Even if there were 167 employees in the proposed unit, the showing of interest is still 50% and thus exceeded the requirements of Board Rule 101.12. OLRCB fails to show error by pointing to the fact that Board Opinion No. 128 did not specify that less than half-time employees will be excluded from the unit as stipulated by the parties, since the Opinion did not contain a detailed description of the unit but dealt only with the matters in contention.

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There is no greater merit in OLRCB's contention that the Department of Corrections (DOC) medical personnel had participated in a previous DOC election and were thus barred from inclusion in the 12 months preceding the petition in Opinion No. 128, and it is such an election that is a bar under the rules. Nor has OLRCB shown, now or earlier, that these medical employees actually voted in the election that was subsequently held. Finally, the Teamsters was given the opportunity to participate in the motion for reconsideration but declined to do so.

O R D E R

IT IS ORDERED THAT:

The Motion for Reconsideration of PERB Opinion No. 128 is hereby denied.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

May 27, 1986