

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of:

Doctors' Council of the  
District of Columbia,

Petitioner,

and

Government of the  
District of Columbia,  
Department of Human Services,  
Department of Corrections, and  
for Compensation Bargaining Unit only,  
D.C. General Hospital,

Agencies.

PERB Case No. 88-R-12  
Opinion No. 197

DECISION AND ORDER OF ELECTION

On August 10, 1988 the Doctors' Council of the District of Columbia (DCDC) filed a Petition for Clarification or Confirmation of Existing Unit. On August 17, 1988 DCDC amended its Petition For Clarification or Confirmation of Existing Non-Compensation and Compensation Units. As the title of the Amended Petition indicates, the amended petition related to both the non-compensation and compensation bargaining units. In support of its Petition, DCDC submitted current signed authorization cards.

The purpose of the Amended Petition is to clarify or confirm that an existing non-compensation bargaining unit, of which DCDC is the certified representative (PERB Case No. 84-R-12, Certification No. 42), comprised of medical officers, dentists, and podiatrists employed by the Departments of Human Services and Corrections (DHS/DOC) includes doctors who were transferred from Saint Elizabeths Hospital, U.S. Department of Health and Human Services to DHS (hereinafter St. Elizabeths transferees), pursuant to Public Law 98-621. The Amended Petition also seeks to clarify or confirm that the St. Elizabeths transferees are included in

Compensation Unit 19 (for whom DCDC is also the certified representative), which also includes the doctors of the General Hospital (DCGH). (PERB Case No. 87-R-05, Opinion No. 182, as amended August 2, 1988). The St. Elizabeths transferees were not represented by any labor organization prior to their transfer and have not participated in any election to designate a collective bargaining representative since they became employees of DHS.

Notices were posted by the Agencies on September 2, 1988. No requests to intervene were received by the Board. The Agencies filed a Response to the Amended Petition on September 12, 1988. The Response states, in pertinent part, "The Employer does not disagree that the Saint Elizabeths transferees would appropriately be included in the existing DHS/DOC non-compensation unit and Compensation Unit 19, should those employees decide, by means of a secret ballot election that they desire to be represented." (Response at p.4, emphasis in original). The Employer maintains that an election is required by the Comprehensive Merit Personnel Act of 1978 (CMPA), D.C. Code Section 1-618.10(a), in the absence of Board-approved voluntary recognition by the employer, as provided for in D.C. Code Section 1-618.10(b)(1) and Board Interim Rule 102.1. The Agencies state they have no opposition to treatment of the Amended Petition as a Petition for Recognition.

On September 27, 1988 DCDC filed a Reply to the Employer's Response. DCDC claims that no election is required because: (1) the Office of Labor Relations and Collective Bargaining (OLRCB), which represents the Agencies in this matter, has never sought modification of the broad language of the DHS/DOC unit description; (2) the Board has never ruled that the St. Elizabeths transferees are not a part of the existing unit; (3) the Board's rules, specifically Rule 101.9, do not require an election for a unit clarification or amendment; and (4) an election is not needed to determine the wishes of the St. Elizabeths transferees regarding representation by DCDC since a showing of interest of approximately 75% has been filed with the Board.

The Board has reviewed the pleadings of the parties, and finds no authority in the CMPA nor the Interim Rules of the Board for the Board to confer exclusive recognition on DCDC for the St. Elizabeths transferees without an election to ascertain the wishes of the employees. DCDC has provided a showing of interest that meets the requirements of Board Rule 101.2. Therefore, the Board orders that an election be conducted expeditiously.

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ORDER

It is ordered that an election by secret ballot shall be conducted expeditiously to determine whether the employees described in this decision as the St. Elizabeths transferees desire representation by DCDC or no representation for purposes of collective bargaining for compensation and other terms and conditions of employment.

It is hereby directed that within seven (7) days of the date of this decision the alphabetical listing of employees along with their home addresses shall be filed with the Board; and that election notices pursuant to Board Rule 102.4 shall be posted seven (7) days prior to the date of the election.

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

October 31, 1988