

(OLRCB), on behalf of DCGH, denied in its Answer to the Complaint that an agreement was reached between DCGH and CIR. However, during the hearing OLRCB staff related DCGH's intent to sign the side letter agreement forthwith and acknowledged DCGH's liability for failing to implement the increase in meal allowances since July 1, 1994, the effective date set forth in the side letter. The Hearing Examiner noted in her Report that DCGH had begun to implement the meal allowance increase in July 1995.

The only question that remained in dispute at the conclusion of the hearing was whether DCGH was liable for interest on the unrealized increase in meal allowances. The Hearing Examiner found that the unrealized increase in meal allowance due under the side letter of agreement constitutes a liquidated debt owed to affected employees. As such, pursuant to D.C. Code § 15-108, employees are entitled to interest from the time the increase became due and payable. As part of the relief authorized by law, the Hearing Examiner concluded that the rate of interest is fixed by statute at 4% per annum. See, D.C. Code § 28-3302(b).

No exceptions were filed by either party to the findings, conclusions and recommendations made by the Hearing Examiner in her Report. ^{3/}

Pursuant to D.C. Code § 1-605.2(3) and Board Rule 520.14, the Board has reviewed the findings, conclusions and recommendations of the Hearing Examiner and find them to be reasonable and supported by the record. The Board hereby adopts the Hearing Examiner's Report finding a violation of D.C. Code § 1-618.4(a)(5) by DCGH's acts and conduct, as well as recommending an appropriate make-whole remedy. See, UDC Faculty Ass'n/NEA v. UDC, 39 DCR 6238, Slip Op. No. 285, PERB Case No. 86-U-16 (1991). We further find that by these same acts and conduct, DCGH's failure to bargain in good faith in violation of D.C. Code § 1-618.4(a)(5) also derivatively constitutes interference with employees' rights in violation of D.C. Code § 1-618.4(a)(1). See, AFSCME, D.C. Council 20, Local 2776, AFL-CIO v. D.C. Dep't of Finance and Revenue, 37 DCR 5658, Slip Op. No. 245, PERB Case No. 89-U-02 (1990).

^{3/} The Hearing Examiner rejected the arguments made by OLRCB in its Post-Hearing Brief as having no evidentiary basis in the record to support them. CIR filed a Motion to Strike Respondent's Post-Hearing Brief on this same basis. However, no expressed ruling was made by the Hearing Examiner on CIR's Motion. In view of the Hearing Examiner's findings with respect to the arguments contained in OLRCB's Brief, the Motion has been rendered moot.

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 Committee of Interns and Residents (CIR) with respect to increases in meal allowances.
2. DCGH shall cease and desist from refusing to implement the terms of a negotiated side letter of agreement concerning increased meal allowances.
3. DCGH shall cease and desist from refusing to sign a negotiated side letter of agreement concerning increased meal allowances.
4. DCGH shall not in any like or related manner interfere with CIR's rights under the Comprehensive Merit Personnel Act.
5. DCGH shall make affected bargaining unit employees whole, with interest at 4% per annum, for the difference in the meal allowance they received since July 1, 1994, and the meal allowance provided under the side letter of agreement.
6. DCGH shall, within ten (10) days from the service of this Decision and Order, post the attached Notice conspicuously on all bulletin boards where notices to bargaining-unit employees are customarily posted, for thirty (30) consecutive days.
7. DCGH shall notify the Public Employee Relations Board, in writing, within fourteen (14) days from the issuance of this Decision and Order, that the Notice has been posted accordingly.

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

December 20, 1995



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 OF THE DISTRICT OF COLUMBIA GENERAL HOSPITAL,
THIS 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.456, PERB CASE NO. 95-U-01
(December 19, 1995)

WE WILL cease and desist from refusing to bargain in good faith
with the Committee of Interns and Residents (CIR) with respect to
increases in meal allowances.

WE WILL cease and desist from refusing to implement the terms of
a negotiated side letter of agreement concerning increased meal
allowances.

WE WILL cease and desist from refusing to sign a negotiated side
letter of agreement concerning increased meal allowances.

WE WILL not in any like or related manner interfere with CIR's
rights under the Comprehensive Merit Personnel Act.

WE SHALL make affected bargaining unit employees whole, with
interest at 4% annum, for the difference in the meal allowance
they received since July 1, 1994, and the meal allowance provided
under the side letter of agreement.

Date: _____ By: _____
Chairperson

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. Room 309, Washington, D.C. 20004.
Phone: 727-1822.