

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:)
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)
)
District of Columbia Health and) PERB Case Nos. 97-UM-05
Hospitals Public Benefit Corporation,) and 97-CU-02
) Opinion No. 564
)
Agency,)
)
and)
)
All Unions Representing Bargaining)
Units in Compensation Units 12, 20,)
21, 22, 23 and 24 and employees)
employed by the Health and Hospitals)
Public Benefit Corporation,)
)
Labor Organizations.)
)
)

DECISION AND ORDER

On January 30, 1997, the Board initiated a Petition for Modification of Compensation and Non-Compensation Units and Determination of New Compensation Units pursuant to the statutory mandate of the Health and Hospitals Public Benefit Corporation Act of 1996, D.C. Law 11-212 (Act), as codified under D.C. Code Sec. 32-262.8(j).

Following the Board's investigation, the Petition was referred to a Hearing Examiner who issued a Report and Recommendation on March 21, 1998. The Board, after considering the Hearing Examiner's Report and Recommendation and the parties' Exceptions, issued its Decision and Order and Direction of Election on June 25, 1998. (Opinion No. 559). The Board's Decision became final on July 30, 1998. A Petition for Review filed in the D.C. Superior Court by the Health and Hospitals Public Benefit Corporation (PBC) was subsequently withdrawn.

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All that remains pending in the Board's Order in Opinion No. 559 are the directed elections for the unit of: (1) medical officers and; (2) allied health care employees. Election conferences were held for the medical officers unit and the allied health care employees unit on August 12 and 14, respectively. Complete agreement on the terms for the conduct of the elections were not achieved for either unit and therefore are before us for determination. On September 8, 1998, the District of Columbia Health and Hospitals Public Benefit Corporation (PBC), the Doctors Council of the District of Columbia (DCDC)^{1/} and the Doctors Council of the District of Columbia General Hospital (DCDCGH) filed written submissions concerning their respective positions on the medical officer unit election. The outstanding issues in the allied health care employees unit are relatively few and did not result in written submissions by the PBC or the labor organizations representing the employees in this unit.

On August 12, 1998, DCDCGH filed a Motion to Block the Election Pending Resolution of Agency Unfair Labor Practice. DCDC and the PBC filed Oppositions to the Motion.

Finally, two of the representatives entitled to participate in the allied health care unit election, i.e., the Service Employees International Union, District 1199E-D.C. (SEIU) and the American Federation of State, County and Municipal Employees, D.C. Council 20, Local 1033 (AFSCME), filed a Petition for Certification as a Joint Representative. The PBC has filed an Opposition to that Request and a Response to Opposition was filed by SEIU/AFSCME. Eighteen employees purporting to be represented by SEIU filed a petition opposing joint representation by AFSCME.

Medical Officers Unit

a. DCDCGH's Motion to Block Election

DCDCGH's Motion request that the Board block the conduct of

^{1/}We have been advised by the Board's staff that DCDC has requested that it be identified along with its current affiliation, the National Union of Hospital and Healthcare Employees, American Federation of State, County and Municipal Employees, AFL-CIO. To change the identifying name of a labor organization as it appears on its certification requires that the labor organization file a petition to amend certification. Board Rule 516. No such petition has been previously granted involving DCDC or is currently before us.

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the election until the PBC complies with: (1) our Order in PERB Case No. 97-U-25 (Opinion No. 539) to post an attached Notice finding that the PBC had committed unfair labor practices; and (2) the disposition of its current Unfair Labor Practice Complaint, PERB Case No. 98-U-22, against the PBC. DCDCGH asserts that a free and fair election is impossible until these unfair labor practices are fully remedied.

With respect to PERB Case No. 98-U-22, we have since considered and dismissed the Complaint, finding no violation of the CMPA. See, Opinion No. 563). Our disposition renders moot this basis for blocking the election. In PERB Case No. 97-U-25 the Board found the PBC interference with DCDCGH administration by failing to meet with it as often as it met with DCDCGH's rival were unfair labor practices. This conduct occurred while the appropriate bargaining units were being determined. We found such conduct abrogated employees' rights under the CMPA to organize, form, join, or assist any labor organization, and bargain collectively through representatives of their own choosing. DCDCGH asserts that the PBC has ignored the Board's Order by failing to post the Board's Notice.

We find that the unremedied unfair labor practice interferes with a free and fair election. We therefore grant the Motion to block the election until the Board receives evidence that our Notice has been posted for 30 days. We believe that employees should be informed that the Board has found the PBC impermissibly to have preferred one union over another before casting votes to select among rivals unions as their representative. Once evidence is received that our Notice has been posted for 30 days, an election will be promptly held among the medical officers.

b. Medical Officers Election Procedures.

Nearly every term of the election procedures for the approximately 170 medical officers remained outstanding following the pre-election conference. The terms and our disposition are as follows:

1. Eligibility Date.

Board Rule 511.1 provides that "[t]o be eligible to vote in an election, an employee shall have been employed in the bargaining unit during the payroll period immediately prior to the date on which the Board ordered the election, and shall still be employed in the bargaining unit on the date of the election." The Doctors Council of DCGH requests an eligibility cutoff date of August 1, 1998. DCDCGH is concerned that a significant number

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of residents who completed their residency training on June 30, 1998 --after the Board ordered the election-- and were subsequently hired between July 1 and August 1, 1998, would be excluded. Nationally, hiring of medical officers usually occurs between July 1 - August 1.

Board Rule 511.1, like its NLRB counterpart, may be waived by agreement of the parties or when special circumstances exists. In such cases, a new eligibility rule is established. We find special circumstances exist here warranting departure from Rule 511.1. Application of Rule 511.1 would cut off eligibility to participate in the election before the usual annual hiring window. We believe medical officers hired by August 1998 --the usual, nationally recognized hiring window-- should be eligible to vote in the election. We establish August 2, 1998, as the eligibility cut-off date for the medical officer unit election.

2. Type, Place and Date of Election.

The PBC proposes an election by mail ballot on a mutually acceptable pay date after October 15, 1998. If the election is on-site, the PBC proposes a multi-site election with polls at D.C. General Hospital (DCGH) and the clinics that will accommodate various shifts and locations of the medical officers. The PBC expressed its willingness to share equally in the reasonable costs associated with an on-site election.

DCDCGH opposes a mail-ballot election. It proposes an on-site election at various locations to be held on December 10, 1998, so the Board can rule on it pending Motion to block the election.

DCDC proposes an election in early or mid December 1998, with polls at the PERB and/or other neutral sites. DCDC objects to paying for a multi-site election when a neutral site at the PERB's offices is available.

In view of the clear disagreement over location and number of polling sites and the unwillingness of all parties to equally share in the cost of conducting an on-site election, we direct a mail ballot election be conducted by the Board's staff. The parties remain free to reach a mutual agreement during the ten (10) day period following the issuance of this Decision and Order to bear the cost of retaining a third party to conduct an on-site election with polling times and locations that will accommodate the shifts and locations of all medical officers. Any third party election must be conducted under the Board's auspices.

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With respect to the date of the election, unless otherwise mutually agreed and subject to the PBC's compliance with our disposition of DCDCGH's Motion to block election, the date for mailing ballots to eligible employees shall occur no later than December 4, 1998.

3. Appearance on the Ballot.

DCDCGH and DCDC could not agree on their appearance on the ballot. Numerous alternatives proposed by the Board's staff were rejected. The Board directs the two Doctors Councils to participate in a coin flip administered by the Board's staff to determine who will appear first in a horizontal format on the ballot.

All other procedural issues and time frames for conducting the mail ballot election are set forth in the attached Board Directed Election Procedures. The Executive Director is accorded the authority to establish any term or disputed detail of the election not addressed by this Decision and Order.

Allied Healthcare Employees Unit

a. SEIU and AFSCME's Petition for Certification as Joint Representative

In the Board's Decision and Order directing the election in the allied health care employees unit, the Board held the following:

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4. Elections are directed, in accordance with Board Rules, to determine, among recognized labor organizations, the exclusive certified representative for the following non-compensation units:

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b. An election between the AFSCME, D.C. Council 20, Local 1033; Service Employees International Union, Local 1199-E; AFGE, Local 2978; Licensed Practical Nurses Association (LPNA); AFGE, Local 383, is directed to determine the representation of all allied health professional employees

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(excluding medical officers and registered nurses) and non-professional and technical allied health employees. Professional employees will also be polled on the question of whether or not they wish to be included in a consolidated unit of both professional and non-professional employees....
Slip Op. No. 559 at 17.

Before we can rule on SEIU/AFSCME's Motion, clarification with respect to the implementation of our Order directing this election is warranted. To determine which labor organizations may participate in the election, professional and non-professional employees must first be polled to determine if a majority of the professional employees desire inclusion in a unit with non-professional allied health care employees.

Professional employees in this unit are currently represented by SEIU and AFSCME. However, non-professional employees in this unit are represented by AFSCME, the American Federation of Government Employees (AFGE) and the Licensed Practical Nurses Association (LPNA). Should the professional employees vote for inclusion in a consolidated unit of professional and non-professional allied health care employees, all of these labor organizations would be eligible to participate in the directed election to determine the certified representative of the consolidated unit.

However, if a majority of the professional employees do not vote for inclusion, then two elections will be conducted to determine the certified representative of a professional unit and a non-professional unit of allied health care employees. Under such a scenario, labor organizations eligible to represent the professional unit would be AFSCME and SEIU. Labor organizations eligible to represent the non-professional unit would be AFSCME, AFGE and LPNA.

In view of the above, SEIU/AFSCME's Joint Request to Petition for Certification as Joint Representative is dismissed without prejudice. SEIU/AFSCME may re-file its Motion after the Board has determined the will of the professional employees. Should SEIU and AFSCME decide to re-file its joint Petition at that time, they are directed to include a thorough description of how such a joint representation by SEIU and AFSCME of professional and non-professional employees would operate in

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practice.² The procedures that shall govern the polling of the professional allied health care employees shall be established, forthwith, by the Executive Director.

b. Allied Health Care Employees Election Procedures.

During the pre-election conference, the parties reached agreement on practically all of the procedures for the conduct of the election. Two issues remain: (1) the type of election, i.e., on-site or mail ballot and (2) the order of appearance of participating labor organizations on the ballot.

1. Type of Election and polling times:

The parties have agreed to a November 18, 1998 on-site election. There are over 700 employees in the unit located at 9 public health clinics and DCGH. The parties have proposed 5 polling sites. To accommodate 24 hour shifts at DCGH, the parties agreed that polls would open and close as follows: 6:30 am - 8:30 a.m.; 11 a.m. - 2 p.m.; and 4 p.m. - 6 p.m. The parties however could not agree on when the polls would open at the 4 other sites to accommodate the single shift, i.e., 8:15 a.m. - 4:45 p.m., clinic employees.

In view of the fact that professional employees must first be polled before election(s) can be scheduled, the date of the election will be determined by the Executive Director, after consultation with the parties, following the polling of professional employees. The Board has no objection to the parties mutual desire to have an on-site election. However, due to the size of our staff and our limited resources, the parties would have to mutually agree to bear the cost of such an election by retaining the services of a third party acting under the Boards' auspices. If the parties are unable to reach such an agreement by the time we have completed the polling of the professional employees, a mail ballot election shall be conducted in accordance with procedures established by the Executive Director.

2. Appearance on the Ballot.

SEIU and AFSCME's Request to be certified as joint representatives and thereby appear jointly on the ballot is

²/Examples would be how apportionment of dues or service fees, grievance representation and collective bargaining negotiations would be handled.

dismissed without prejudice for the reasons discussed. The American Federation of Government Employees (AFGE), District 14 has requested that its two Locals, AFGE, Local 2978 and 383, appear singularly as AFGE, District Council 14. AFGE has also requested that the four eligible unions appear in alphabetical order on the ballot. The other parties, PBC, SEIU, AFSCME and LPNA expressed no opposition to AFGE's requests or expressed any preference for their appearance on the ballot. In the absence of objections, eligible labor organizations shall appear alphabetically on the election ballot(s). Furthermore, AFGE's request to appear as AFGE, District Council 14 is granted.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Doctors Council of the District of Columbia General Hospital's (DCDCGH) Motion to Block Election is granted. The issuance of ballots will be postponed until the Board receives evidence that the District of Columbia Health and Hospitals Public Benefit Corporation (PBC) has posted the Notice in PERB Case No. 97-U-25 for thirty (30) days.
2. When the election in the medical officers unit take place, it will be by mail ballot in accordance with the attached Board Directed Election Procedures. The PBC, DCDC and DCDCGH may mutually agree to bear the cost of retaining a third party (under the auspices of the Board) to conduct an on site election. The parties have fourteen (14) days from the issuance of this Decision and Order to reach such an agreement and submit a signed copy to the Board for review by the Executive Director.
3. The PBC is directed, within five (5) days from the service of this Decision and Order to post for thirty (30) consecutive days the Notice (dated and signed) in PERB Case No. 97-U-25, conspicuously on all bulletin boards where notices to all medical officer employees are customarily posted. The PBC is further directed, within twelve (12) days from the service of this Decision and Order to send a copy of said Notice to all medical officer employees represented by DCDCGH and the Doctors Council of the District of Columbia.
4. The PBC shall notify the Public Employee Relations Board, in writing (including a copy of the signed and dated Notice), within fourteen (14) days from service of this Decision and Order, that the Notice has been posted and sent accordingly.

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5. The Joint Request of the American Federation of State, County and Municipal Employees, D. C. Council 20, Local 1033 and the Service Employees International Union, District 1199E-D.C. to Petition for Certification as Joint Representative is dismissed without prejudice. The Request may be refiled following the polling of the professional employees in the allied health care unit in accordance with the directed polling procedures attached hereto. The Executive Director may alter these procedures at his sole discretion.

6. The election to determine the certified representative of the medical officers unit at the PBC shall be conducted by the Board by mail ballot in accordance with the attached Board Directed Election Procedures. DCDC, DCDCGH and the PBC may, by mutual agreement, retain the services of a third party to conduct an on site election. Any mutual agreement between the parties must be reached and submitted to the Board's Executive Director for review within fourteen (14) days of service of this Decision and Order.

7. The election(s) to determine the certified representative of the allied health care employees unit at the PBC shall be conducted by the Board by mail ballot in accordance with Board Directed Election Procedures. Such procedures will be issued after the professional employees are polled and in the event the parties fail to reach a mutually acceptable agreement. The recognized labor organizations that currently represent employees in this unit and the PBC may, by mutual agreement, retain the services of a third party to conduct an on site election. Any mutual agreement between the parties must be reached and submitted to the Board's Executive Director for review within fourteen (14) days following the polling of the professional employees.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

Washington, D.C.

October 14, 1998

BOARD DIRECTED POLLING PROCEDURES

Pursuant to the Decision and Order of the Public Employee Relations Board (Board) in Case No. 97-UM-05, Opinion No. 564; D.C. Code Sec. 1-618.9(b)(5); and Board Rule 510.5, all professional employees in the allied health care unit shall be polled to determine if they desire a combined unit with the nonprofessional allied health care unit.

1. CONDUCT OF THE POLL

The polling will be conducted by the Board by mail ballot.

2. ELIGIBLE EMPLOYEES

All professional allied health professional employees (excluding medical officers and registered nurses) employed by the Health and Hospital Public Benefit Corporation (PBC); but excluding all management officials, confidential employees, supervisors, employees engaged in personnel and labor management relations work in other than a purely clerical capacity and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

3. THOSE ELIGIBLE TO VOTE

All those employees described in paragraph 2 that are on the payroll of **June 22, 1998**, and that are still employed on the date the ballot are issued.

4. The PBC shall provide the Board with a single list of eligible voters in alphabetical order on or about **October 27, 1998**, together with a corresponding set of mailing labels. The list of eligible voters filed with the Board shall contain a certificate of service showing service on the **American Federation of State, County and Municipal Employees, Local 1033 (AFSCME)** and **Service Employees International Union District 1199E-D.C. (SEIU)**. Any errors as to addresses shall be resolved on or before **November 3, 1998**. If AFSCME or SEIU disputes any of the addresses for a voter, the PBC shall immediately contact the voter and have the voter contact the Board's staff to verify his or her address. When any asserted error is not resolved, the address provided by the PBC shall be used.

The parties shall sign off on the eligibility list no later than **November 3, 1998**. If there is a subsequent change of address by an eligible voter that is reported to the PBC, the PBC shall notify the Board, AFSCME and SEIU of the change of address and provide a corresponding new mailing label. This procedure will not prevent AFSCME or SEIU from challenging an individual's eligibility prior to the opening of the envelopes containing the ballots. The parties shall forward a signed copy of the eligibility list to the Board by **November 4, 1998**.

5. Voting: The Board will send secret mail ballots to the home addresses of all eligible voters on **November 16, 1998**. The outer envelope will contain the words "**DO NOT DESTROY/BALLOT ENCLOSED.**" If an eligible voter does not receive a mail ballot by **November 21, 1998**, such voter may call the Board and make arrangements to pick up a ballot in person at the Board's office. To pick up a ballot in person, the voter shall produce two pieces of identification (preferably one of which is a PBC ID card). In any case, where a duplicate ballot is being provided by the Board, the outer envelope for such a ballot will be marked "Duplicate Ballot." Duplicate Ballots will be cast at the time they are received. All ballots must be received by the Board at the designated address on the return envelope by **4 p.m. on November 30, 1998**.

6. Wording on the Ballot: The wording on the ballot will be as shown in the sample ballot annexed hereto.

7. Posting and Posting Period: The Board shall furnish the PBC with the Notice of the polling by **October 28, 1998**. The Notice will be posted in conspicuous places at the various work sites where professional allied health care employees are located (including places where notices to employees are customarily posted) no later than **November 4, 1998**. The Notice will also advise employees participating in the mail ballot vote that if anyone does not receive the ballot by **November 21, 1998**, he/she may contact the Board and make arrangements to receive and cast a duplicate ballot in person at the Board's office. The Notice shall also state that ballots received by mail may be sent to the Board at the designated address on the stamped return envelope by regular U.S. Mail, by special overnight mail delivery, or hand-delivered on or before the voting deadline of **4 p.m., November 30, 1998**.

8. Challenged Ballots: The parties will try to resolve challenged ballots before the ballots are tallied. Challenged ballots that are not resolved will be set aside and not opened unless they could affect the outcome of the election, in which case they will be resolved in accordance with PERB's Rules. Only the parties subject to these election procedures may file challenges. The Board will rule on the validity of individual ballots and the clear intent of the voter will be the prevailing standard.

9. The Ballot Tally and Its Service: The ballot will be checked against the eligibility list and the tallied at the Board's offices at **10 a.m., December 1, 1998**. Each party may have two official observers present. A report of the election results will be served by the Board on the parties within three (3) working days after the ballot tally.

10. Objections: Only the parties that are the subject of these proceedings may file such objections. All objections shall be processed in accordance with PERB Rules.

11. Certification of Results: The Board shall certify the results in accordance with PERB Rules.

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

October 14, 1998

SAMPLE

OFFICIAL SECRET BALLOT

Instructions for Mail Ballot — Please read carefully: Mark one box only. Do not sign the ballot. When you have finished marking one box, place the ballot in the enclosed secret ballot envelope and place the secret ballot envelope in the prepaid postage envelope. Seal and print your name and address on the prepaid postage envelope and sign in the space indicated. Mail your ballot promptly. **YOUR BALLOT MUST BE RECEIVED BEFORE 4 P.M. ON DECEMBER 16, 1998,** in order to be counted. If you damage or lose your ballot, please call the Board at (202) 727-1822.

I desire to be represented for the purpose of collective bargaining on compensation and terms and conditions of employment by:

(SELECT ONLY ONE)

Doctors Council I _____

Doctors Council II _____

(The full names of the Doctors Councils will appear on actual ballot. Their order of appearance will be determined by a flip of a coin.)

INSTRUCTIONS FOR MAIL BALLOT

1. The envelope forwarded to each voter contains one ballot, envelope marked "Secret Ballot" and a return self-addressed postage stamped envelope.
2. The voter indicates his or her choice by clearly marking an "X" or a "✓" (check) on the designated line on the ballot.
3. The ballot should then be placed in the envelope marked "Secret Ballot". The envelope should be sealed and placed in the self-addressed stamped envelope. The voter must sign and print his or her name on the outside envelope and promptly mail it.
4. Envelopes received after 4 p.m. on December 16, 1998, at the designated address will not be counted. You may hand deliver your ballot to the designated address in lieu of mailing it.
5. Only the official ballots in the enclosed return envelope will be accepted. The voter is not to write his or her name or otherwise identify him or herself on the ballot; the secrecy of the voting process must be maintained at all times.

The return ballot will be counted on December 17, 1998, at 10 a.m. in the offices of the PERB.

Any questions regarding these election instructions may be directed to the PERB at the following address and telephone number.

D.C. Public Employee Relations Board
717 14th Street, N.W. , 11th Floor
Washington, D.C. 20004
(202) 727-1822

BOARD DIRECTED ELECTION PROCEDURES

Pursuant to the Decision and Order of the Public Employee Relations Board (Board) in Case No. 97-UM-05, Opinion No. 559 and 564, a secret mail ballot election shall be held in the unit described below, previously found appropriate by the Board, to determine whether the unit employees wish to be represented by the **Doctors Council of the District of Columbia (DCDC)** or the **Doctors Council of the District of Columbia General Hospital (DCDCGH)**.

1. CONDUCT OF THE ELECTION

By direction of the Board, a mail ballot election shall be conducted by the Board.

2. APPROPRIATE UNIT

All qualified medical officers (including physicians, dentists and podiatrists) employed by the D.C. Health and Hospitals Public Benefit Corporation (PBC); but excluding all management officials, confidential employees, supervisors, employees engaged in personnel and labor management relations work in other than a purely clerical capacity and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139..

3. THOSE ELIGIBLE TO VOTE

All those employees described in the appropriate unit in paragraph 2 above that are on the payroll as of **August 2, 1998**, and that are still employed on the date of the election.

4. The PBC shall provide the Board with a list of eligible voters in alphabetical order on or about **October 30, 1998**, together with a corresponding set of mailing labels. The list of eligible voters filed with the Board shall contain a certificate of service showing service on DCDC and DCDCGH. Any errors as to addresses shall be resolved on or before **November 16, 1998**. If DCDCGH or DCDC disputes any of the addresses for a voter, the PBC shall immediately contact the voter and have the voter contact the Board's staff to verify his or her address. When any asserted error is not resolved, the address provided by the PBC shall be used.

Board Directed Election Procedures

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The parties shall sign off on the eligibility list no later than **November 16, 1998**. If there is a subsequent change of address by an eligible voter that is reported to the PBC, the PBC shall notify the Board, DCDC and DCDCGH of the change of address and provide a corresponding new mailing label. This procedure will not prevent DCDC or DCDCGH from challenging an individual's eligibility prior to the opening of the envelopes containing the ballots. The parties shall forward a signed copy of the eligibility list to the Board by **November 16, 1998**.

5. Voting: The Board will send secret mail ballots to the home addresses of all eligible voters on **December 4, 1998 (in the event that the PBC has complied with paragraphs 1 and 3 of the Board's Decision and Order in Slip Op. No. 564)**. The outer envelope will contain the words **"DO NOT DESTROY/BALLOT ENCLOSED."** If an eligible voter does not receive a mail ballot by **December 9, 1998**, such voter may call the Board and make arrangements to pick up a ballot in person at the Board's office. To pick up a ballot in person, the voter shall produce two pieces of identification (preferably one of which is a PBC ID card). In any case, where a duplicate ballot is being provided by the Board, the outer envelope for such a ballot will be marked **"Duplicate Ballot."** All ballots must be received by the Board at the designated address on the return envelope by **4 p.m. on December 16, 1998**.

6. Wording on the Ballot: The wording on the ballot will be as shown in the sample ballot annexed hereto.

7. Posting and Posting Period: The Board shall furnish the PBC with the Notice of Election by **November 16, 1998**. The Notice of Election will be posted in conspicuous places at the various work sites where medical officers are located (including places where notices to employees are customarily posted) no later than **November 20, 1998**. The Notice of Election will also advise employees participating in the mail ballot vote that if anyone does not receive the ballot by **December 9, 1998**, he/she may contact the Board and make arrangements to pick up a duplicate ballot in person at the Board's office. The Notice shall also state that the ballots may be sent to the Board at the designated address on the stamped return envelope by regular U.S. Mail, by special overnight mail delivery, or hand-delivered on or before the voting deadline of **4 p.m., December 16, 1998**.

8. Challenged Ballots: The parties will try to resolve challenged ballots before the ballots are tallied. Challenged ballots that are not resolved will be set aside and not opened unless they could affect the outcome of the election, in which case they will be resolved in accordance with PERB's Rules. Only the parties subject to these election procedures may file challenges. The Board will rule on the validity of individual ballots and the clear intent of the voter will be the prevailing standard.

9. The Ballot Tally and Its Service: The ballot will be checked against the eligibility list and the tallied at the Board's offices at 10 a.m., December 17, 1998. Each party may have two official observers present. A report of the election results will be served by the Board on the parties within three (3) working days after the ballot tally.

10. Objections: Only the parties that are the subject of these proceedings may file such objections. All objections shall be processed in accordance with PERB Rules.

11. Certification of Results: The Board shall certify the results in accordance with PERB Rules.

12. Pre-Election Conference: The parties failed to reach agreement on the terms governing this election at a pre-election conference held at the Board's offices on August 12, 1998.

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

October 14, 1998

SAMPLE

OFFICIAL SECRET BALLOT

Instructions for Mail Ballot — Please read carefully: Mark one box only. Do not sign the ballot. When you have finished marking one box, place the ballot in the enclosed secret ballot envelope and place the secret ballot envelope in the prepaid postage envelope. Seal and print your name and address on the prepaid postage envelope and sign in the space indicated. Mail your ballot promptly. **YOUR BALLOT MUST BE RECEIVED BEFORE 4 P.M. ON NOVEMBER 30, 1998,** in order to be counted. If you damage or lose your ballot, please call the Board at (202) 727-1822.

Do you desire inclusion in a consolidated unit of professional and non-professional allied health care employees of the D.C. Health and Hospitals Public Benefit Corporation for the purposes of collective bargaining on compensation and terms and conditions of employment?

(SELECT ONLY ONE)

YES

NO

INSTRUCTIONS FOR MAIL BALLOT

1. The envelope forwarded to each voter contains one ballot, envelope marked "Secret Ballot" and a return self-addressed postage stamped envelope.
2. The voter indicates his or her choice by clearly marking an "X" or a "✓" (check) on the designated line on the ballot.
3. The ballot should then be placed in the envelope marked "Secret Ballot". The envelope should be sealed and placed in the self-addressed stamped envelope. The voter must sign and print his or her name on the outside envelope and promptly mail it.
4. Envelopes received after 4 p.m. on November 30, 1998, at the designated address will not be counted. You may hand deliver your ballot to the designated address in lieu of mailing it.
5. Only the official ballots in the enclosed return envelope will be accepted. The voter is not to write his or her name or otherwise identify him or herself on the ballot; the secrecy of the voting process must be maintained at all times.

The return ballot will be counted on **December 1, 1998, at 10 a.m.** in the offices of the PERB.

Any questions regarding these election instructions may be directed to the PERB at the following address and telephone number.

**D.C. Public Employee Relations Board
717 14th Street, N.W., 11th Floor
Washington, D.C. 20004
(202) 727-1822**

CERTIFICATE OF SERVICE

This is to certify that the Decision and Order on Unit Modification and Compensation Unit Determination in PERB Case Nos. 97-UM-05 and 97-CU-02 was mailed (U.S. Mail) to the following parties on this the 14th day of October 1998.

Michael L. Stevens, Esq.
Arent, Fox, Kinter, Plotkins & Kahn
1050 Connecticut Ave., N.W.
Washington, D.C. 20036-5339

John Axelrod, Esq
Beins, Bodley, Axelrod
and Kraft
1727 Mass. Ave., N.W., Suite 704
Washington, D.C. 20036

Kofi Boakye, Representative
AFGE, AFL-CIO, District 14
80 F Street, N.W., 11th Floor
Washington, D.C. 20001

Michelle D. Thompson, Esq.
SEIU Eastern District 1199E
611 N. Eutaw Street
Baltimore, MD 21201

John Word, Executive Director
Licensed Practical Nurses Assoc.
226 Rhode Island Ave., N.W.
Washington, D.C. 20001

Thomas Wachter, Deputy Director
D.C. Nurses Association
5100 Wisconsin Avenue, N.W.
Suite 306
Washington, D.C. 20016

David R. Levinson, Esq.
1835 K Street, N.W.
Suite 950
Washington, D.C. 20006

Wendy Kahn, Esq.
Zwerdling, Paul, Leibig
Kahn, Thompson & Wolly
1025 Connecticut Avenue, N.W., Suite 712
Washington, D.C. 20036

Edward J. Smith, Esq.
317 South Patrick Street
Alexandria, VA 22314

Gloria P. Clement, Esq.
Associate General Counsel
AFSCME, District Counsel 20
1101-17th Street, N.W., Suite 210
Washington, D.C. 20036

Ronald Neilly, Administrator
1511 K Street, N.W.
Suite 312
Washington, D.C. 20005

Roscoe Ridley, Jr.
Chief of Labor Relations
D.C. Health & Hospitals
Public Benefit Corporation
19th & Mass., Ave., S.E., Suite 1505
Washington, D.C. 20003

Courtesy Copies:

Joseph Smith
AFGE, Local 631
P.O. Box 54585
Washington, D.C. 20032

Nathaniel Nelson
National Representative
AFGE, 14th District,
80th F Street, N.W.
Washington, D.C. 20001


Mark Levy
Committee of Interns & Residents
Local 1957
386 Park Avenue South, Rm#1502
New York, NY 10016-8852

John Fairman
General Manager/CEO
D.C. General Hospital
19th & Mass. Ave., S.E., Suite 1455A
Washington, D.C. 20003

Dr. Cheryl Williams
Doctors Council of D.C.
300 I Street, N.E., Suite 5
Washington, D.C. 20002

Loretta Owens, President
AFSCME, Local 1033
19th & Mass. Ave., S.E.
Washington, D.C. 20003

Toni Sawyer, President
AFSCME, Local 2097
3115 11th Street, N.W.
Washington, D.C. 20010


Sheryl Harrington
Secretary

Patricia O'Malley
D.C. Nurses Association
Department of Human Services
2611 Randolph Street, N.E.
Washington, D.C. 20018

Joann McCarthy
AFGE, Local 2978
3352 Chillum Road
Suite 103
Mt. Rainier, Md. 20712

James Baxter, Director
Office of Labor Relations
and Collective Bargaining
441 4th Street, N.W., Suite 200
Washington D.C. 20001

Dr. Kenneth Dais
Doctors Council of DCGH
19th and Mass. Ave., S.E., Rm. G266
Washington, D.C. 20003

Robert Moore, President
Union, Eastern District 1199E
611 N. Eutaw St.
Baltimore, Md. 21201

Evelyn Sommers
D.C. Nurses Association
5100 Wisconsin Ave., Suite 306
Washington, D.C. 20016