



On July 2, 1981, the Board received a response to the Notice from the "Housestaff Association of the D.C. General Hospital" which addressed the contention of management that the members of the unit are not employees under the law and are therefore, not eligible to be members of the bargaining unit. The response also included one hundred and four (104) signatures of physicians at D.C. General Hospital claiming to be members of the "Housestaff Association of D.C. General Hospital."

At the direction of the Board a hearing was conducted by a Hearing Examiner on October 2 and continued on October 9, 1981. The OLRCB filed its brief on November 19, 1981. The Hearing Examiner filed her report on December 4, 1981.

The Hearing Examiner concluded, among other things, that:

1. There is substantial evidence in the record establishing that PNHA has been inactive in its representation of these employees since July 1980.
2. PNHA did not respond to the Petition filed in this matter.
3. PNHA did not enter an appearance at the hearing or otherwise in this matter.
4. The "Housestaff Association of the D.C. General Hospital" is not the certified bargaining agent of these employees.
5. The Petition was untimely since, at the time of filing, it did not meet the requirements of Board Rule 101.9.

Based upon her findings and conclusions, the Hearing Examiner recommended that "The petition for decertification and deauthorization ... be dismissed for untimeliness."

Written Exceptions were filed by OLRCB on December 16, 1981.

Substantial evidence in the record reveals that PNHA has been inactive in its representation of these employees since July 1980. In view of this, on January 20, 1982, the Board issued to PNHA an Order to Show Cause, within 30 days, why it should not be decertified. The Order to Show Cause was forwarded to all known addresses of the PNHA by Certified Mail and all were returned by the U.S. Postal Service stamped "Addressee Unknown, Unable to Forward." No response of any kind was received from PNHA.

Based upon the evidence in the record of the inactivity since July 1980 and failure of PNHA to respond to the Order to Show Cause, the Board hereby adopts conclusions, numbered 1-4 of the Hearing Examiner's report. While the Board recognizes the merits of the Hearing Examiner's conclusion numbered 5 above, the Board finds that, as a practical matter, the best interests of these employees would not be served by adopting this recommendation. The failure of PNHA to respond to the Petition, to enter an appearance and to respond to the Board's Order to Show Cause establish a conclusive presumption that it no longer desires to represent the employees of this unit.

ORDER

It is Ordered that:

The Physicians National Housestaff Association is hereby decertified and is no longer the exclusive bargaining agent for:

"All physician-interns, physician-residents, and physician-fellows of the District of Columbia General Hospital Commission excluding management executives, confidential employees, supervisors or any employee engaged in personnel work in other than a purely clerical capacity and employees engaged in administering the provisions of Title XVII of D.C. Law 2-139."

The Board's Authorization and Order (As amended February 19, 1981), in Case No. 80-R-08, PERB Opinion No. 5, regarding Unit 12 is amended to read as follows:

"UNIT 12 - Consisting of all post-graduate medical trainees and physicians who come within the personnel authority of the District of Columbia General Hospital Commission, who are represented for non-compensation bargaining by a labor organization certified as the exclusive bargaining agent by the PERB."

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD.  
April 14, 1982.