

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of:

The Government of the  
District of Columbia,

Petitioner,

and

Doctors' Council of the  
District of Columbia,

Union,

and

Doctors' Council of  
D.C. General Hospital,

Intervenor.

PERB Case No. 87-R-05  
Opinion No. 187  
(Motion to Strike and/or  
for Reconsideration)

DECISION AND ORDER

On May 6, 1988, the Public Employee Relations Board (Board) issued Opinion No. 182 in the above-captioned proceeding, finding appropriate for compensation bargaining a unit of medical officers, including physicians, dentists and podiatrists, employed by the D.C. General Hospital (DCGH) and the Departments of Human Services and Corrections (DHS/C). 1/

On May 21, 1988, the Doctors' Council of the District of Columbia (DCDC) filed with the Board a document styled, "Motion to Strike and/or Motion for Reconsideration of Footnote 4." DCDC contends that the Board's comments in footnote 4 of the opinion should be stricken because DCDC did not know that the Board had not placed the employees for whom it had petitioned (PERB Case No. 84-R-12) in a compensation unit until receiving a letter from the Executive Director requesting the parties' positions on the compensation unit placement of these employees. 2/

1/ On June 17, 1988, the Board issued an Amended Decision and Order in this matter. The amendments to the opinion are not related to the motion to strike or reconsider footnote 4.

2/ PERB Case No. 84-R-12 concerned a petition filed by DCDC for exclusive recognition as the representative of a unit of medical officers employed by DHS/C. The Board directed that an election be held to determine whether the employees desired representation by DCDC for purposes of collective bargaining. DCDC was certified on June 1, 1987 as the representative of the requested unit for non-compensation bargaining.

The Board has considered the pleadings of the parties and finds that the arguments advanced by DCDC are not an adequate basis for the Board to strike or to reconsider footnote 4.

Contrary to DCDC's contentions, the Board has consistently used "terms-and-conditions" as synonymous with the phrase "non-compensation" or "working conditions." As a general rule, once the Board finds a unit appropriate for terms-and-conditions collective bargaining, it will subsequently issue an order placing these employees in a compensation unit. Parties practicing before the Board, including the DCDC, are on notice as to the Board's procedures and the terminology used in making decisions of this nature in representation proceedings.

As noted in footnote 4 of the opinion, the Board is merely suggesting that the Union might have sought a reconsideration and/or appeal of the Board's decision directing an election in PERB Case No. 84-R-12. Even though such motions are not set forth as actions under the Board's Rules, DCDC must be aware that the Board entertains these motions: the Office of Labor Relations and Collective Bargaining (OLRCB) sought a reconsideration of this very same opinion.

It should also be noted that the Board's Rules provide for specific procedures for the filing of a representation petition seeking to establish a compensation unit. Rules 101.16-101.21 require that certain information be set forth in this type of petition. DCDC did not meet these requirements in the filing of its petition, nor did it specify that the petition was being filed pursuant to the section of the rules pertaining to compensation units.

In sum, there is no basis for the Board to grant the Union's motion to strike or in the alternative to reconsider footnote 4.

O R D E R

IT IS HEREBY ORDERED THAT:

The Motion to Strike and/or Reconsider Footnote 4 is denied.

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

June 20, 1988