

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:)	
)	
UNITED STAFF NURSES UNION, LOCAL)	CASE 8085-E-89-1368
141, affiliated with the UNITED)	
FOOD AND COMMERCIAL WORKERS,)	
AFL-CIO)	DECISION 3313-A -PECB
)	
Involving certain employees of:)	
)	ORDER DETERMINING
STEVENS MEMORIAL HOSPITAL)	CHALLENGED BALLOTS
)	
)	

Webster, Mrak, and Blumberg, by Mark E. Brennan, Attorney at Law, appeared on behalf of the petitioner.

Marilyn Bulger, Personnel Director, and William W. Treverton, Attorney at Law, appeared on behalf of the employer.

MacDonald, Hoague and Bayless, by Harold H. Green, Attorney at Law, and Kathleen Wareham, Attorney at Law, appeared on behalf of the incumbent intervenor, Washington State Nurses Association.

Gibbs, Douglas, Theiler and Drachler, by Robert H. Gibbs, Attorney at Law, and Paul Drachler, Attorney at Law, appeared on behalf of intervenor District 1199 NW, National Union of Hospital and Health Care Employees, SEIU, AFL-CIO.

On July 13, 1989, United Staff Nurses Union, Local 141, affiliated with the United Food and Commercial Workers, AFL-CIO, filed a petition for investigation of a question concerning representation with the Public Employment Relations Commission, seeking certification under Chapter 41.56 RCW and Chapter 391-25 WAC as exclusive bargaining representative of certain registered nurses employed by Snohomish County Public Hospital District 2, d/b/a Stevens Memorial Hospital. The Washington State Nurses Association (WSNA) was granted intervention in the proceedings, based on its status as the

incumbent exclusive bargaining representative of the petitioned-for employees. District 1199 NW, National Union of Hospital and Health Care Employees, an affiliate of the Service Employees International Union, AFL-CIO, was granted intervention in the proceedings based on a showing of interest.

A pre-hearing conference was held on September 12, 1989, at which time the parties framed eligibility issues concerning employees in the classifications of "assistant unit manager", "clinical nurse specialist", "instructor", "quality assurance", and certain other employees. With regard to the employees classified as "assistant unit manager", the WSNA contended that they should be included in the bargaining unit. That classification had historically been excluded from the petitioned-for bargaining unit, and other parties resisted the inclusion of the "assistant unit manager" classification. A statement of results of pre-hearing conference was issued.

The Executive Director considered the positions and stipulations of the parties, as framed at the pre-hearing conference and in their correspondence, and on October 16, 1989, issued an order directing that a representation election be conducted in a bargaining unit described as:

All full-time, part-time, and per diem nurses employed by Stevens Memorial Hospital, excluding nurses employed as supervisors, or in administrative/management positions, and all other employees of the employer.

It was noted that the parties had framed certain eligibility issues, and that those issues were to be preserved by challenged ballot procedures for post-election determination. A notice of election was issued on October 31, 1989.

An election was held on November 17, 1989, at which time the parties entered into stipulations with regard to the eligibility

of a number of individuals. The parties were unable to resolve their differences concerning the eligibility of the several classifications in dispute, or with regard to certain other individuals.

The tally of ballots issued immediately following the election disclosed that there were 339 claimed eligible voters, making it necessary for one of the choices on the ballot to receive 170 votes in order to have a conclusive election. The results of the election were as follows:

164 ballots cast for District 1199 NW.

44 ballots cast for United Staff Nurses Union, Local 141.

29 ballots cast for "No Representation".

16 ballots cast for Washington State Nurses Association.

17 challenged ballots cast.

1 void ballot cast.

The challenged ballots were sufficient in number to affect the outcome with respect to: (1) Whether there was a need for a runoff election; and/or (2) the second choice on a runoff ballot.

On November 22, 1989, Hearing Officer Martha M. Nicoloff issued a letter to the parties, requesting their current positions on the eligibility of the individuals and classifications whose eligibility was challenged prior to the opening of the polls. The positions of the parties were requested to be submitted by 5:00 p.m. on December 1, 1989.

Written statements of position were received by December 1 from the United Staff Nurses Union, Local 141, and from District 1199 NW. The employer's statement of position was filed on December 4. A statement of position was filed by the Washington State Nurses

Association on December 12, 1989. From those statements, all parties to the proceedings now concur that the classification of Assistant Unit Manager should properly be excluded from the bargaining unit in this matter.¹

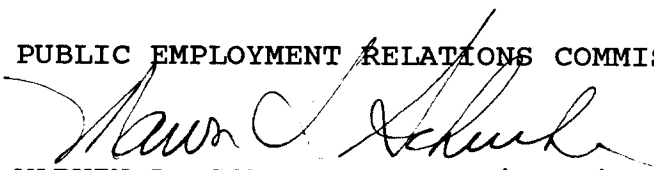
NOW, THEREFORE, it is

ORDERED

1. The names of individuals employed in the classification of "assistant unit manager" are stricken from the eligibility list.
2. An amended tally of ballots, reflecting the amended eligibility list, is attached hereto and made a part of this Order.

Dated at Olympia, Washington, the 13th day of December, 1989.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARVIN L. SCHURKE, Executive Director

This order may be appealed by filing objections with the Commission pursuant to WAC 391-25-590(2).

¹

The names of 13 individuals occupying positions in the "assistant unit manager" classification were listed as challenged on the official voter eligibility list: Lori Cross, Elizabeth Damstrom, Joan Edwards, Crystal Gross, Joan Haakenstad, Elaine Jay, Carolyn Jones, Laurel Kingman, Cathy Lewis, Sherryl Richmond, Holly Riopel, Karen Trolson, and Marjorie Zehrung.

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSIONTALLY SHEETNAME OF
EMPLOYER Stevens Memorial HospitalCASE
NUMBER 8085-E-89-1368PART 1 - CROSS-CHECK OF RECORDS

The undersigned agent of the Public Employment Relations Commission certifies that he/she has conducted a cross-check of records in the above case, and that the results were as follows:

Number of Employees in Bargaining Unit.....

Number of Employee Records Examined.....

Number of Employee Records Counted as Valid Evidence of Representation...

PART 2 - SECRET BALLOT ELECTION

The undersigned agent of the Public Employment Relations Commission certifies that the results of the tabulation of ballots cast in the election held in the above case, and concluded on the date indicated below, were as follows:

1. Approximate number of eligible voters..... 326
2. Void Ballots..... 10
3. Votes Cast For: United Staff Nurses Union, Local 191... 44
UFCW, AFL-CIO
4. Votes Cast For: Washington State Nurses Association... 16
(WSNA)
5. Votes Cast For: District 1199 NW, SEIU, AFL-CIO... 164
6. Votes Cast For: NO REPRESENTATION..... 29
7. Valid Ballots Counted.(total of 3, 4, 5, and 6)..... 253
8. Challenged Ballots..... 8
9. Valid Ballots Counted plus Challenged Ballots (total of 7 and 8)..... 261
10. Number of Valid Ballots Needed to Determine Election..... 164

Challenges ☐ are
☒ are not sufficient in number to affect the results of the election.The results of the election appear to be ☐ inconclusive.
☒ conclusive favoring choice on line 5DATE ISSUED 12/12/89

PUBLIC EMPLOYMENT RELATIONS COMMISSION

By Mawa Schuler

The undersigned acted as authorized observers in the counting and tabulating of ballots indicated above. We hereby certify that the counting and tabulating were fairly and accurately done, that the secrecy of the ballots was maintained, and that the results were as indicated above. We also acknowledge service of this tally.

For _____ For _____

For _____ For _____

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

TALLY SHEET

NAME OF EMPLOYER Stevens Memorial Hospital CASE NUMBER 8085-E-89-1368

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DATE ISSUED 12/12/89 PUBLIC EMPLOYMENT RELATIONS COMMISSION
By Maura C. Schenk

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For _____ For _____

For _____ For _____

