

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:)	
)	CASE 8523-E-90-1434
UNITED STAFF NURSES UNION,)	
LOCAL 141)	DECISION 3491 - PECB
)	
involving certain employees of:)	
)	DIRECTION OF ELECTION
KENNEWICK GENERAL HOSPITAL)	
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Webster, Mrak and Blumberg, by Mark E. Brennan, Attorney at Law, appeared on behalf of the petitioner.

Menke and Jackson, by Anthony F. Menke, Attorney at Law, appeared on behalf of the employer.

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

On April 2, 1990, United Staff Nurses Union, Local 141, filed a petition for investigation of a question concerning representation with the Public Employment Relations Commission, seeking certification as exclusive bargaining representative of certain employees of Kennewick General Hospital. Washington State Nurses Association intervened in the proceedings, based on its status as the incumbent exclusive bargaining representative of the employees involved.

A pre-hearing conference was conducted on May 1, 1990, in Kennewick, Washington. A statement of results of pre-hearing conference was issued on May 2, 1990. The Executive Director has considered the stipulations and positions of the parties as framed at the pre-hearing conference, and concludes that the matter can be resolved by summary order issued pursuant to WAC 391-08-230.

The Description of the Bargaining Unit

During the course of the pre-hearing conference, the parties were able to agree upon a bargaining unit description. However, the employer questioned the appropriateness of including four registered nurses working as "nurse instructors" in the bargaining unit. The incumbent exclusive bargaining representative raised eligibility issues concerning several job classifications in which there are currently no incumbent employees: Certified nurse midwife; family nurse practitioner; pediatric nurse practitioner, OB-GYN nurse practitioner; and certified registered nurse anesthetist. The employer indicated that there could potentially be one employee in each such classification.

In City of Redmond, Decision 1367-A (PECB, 1982), determination of a question concerning representation was substantially delayed for a hearing and decision on the eligibility of something on the order of 25% of the total number of employees involved. In affirming the direction of a cross-check in that matter, the Commission opined that eligibility issues similar to those raised in that case should be held over for resolution in proceedings after the question concerning representation is determined. The admonition in Redmond to get on with the conduct of the election or cross-check is entirely consistent with the structure of Chapter 391-25 WAC, which postpones appeal procedures until after a tally has been issued, and with the Commission's recent order in Olympic Memorial Hospital, Decision 3317-A (PECB, 1989). In the instant case, the dispute concerns the bargaining unit status and voter eligibility of less than 10% of the total number of employees involved in these proceedings. It is concluded that the issues raised by the parties are subject to post-election determination of the type called for in Redmond.

The eligibility cut-off date for the election directed herein will be the date of this order, as called for by WAC 391-25-390. The

employer is asked to provide the Commission and all participating labor organizations with an updated list of employees. Disputes concerning eligibility arising from that updated list will be also handled by challenged ballot procedures.

FINDINGS OF FACT

1. Kennewick General Hospital provides health care services for residents in and around Kennewick, Washington, and is a "public employer" within the meaning of RCW 41.56.030(1).
2. United Staff Nurses Union, Local 141, chartered by the United Food and Commercial Workers International Union, AFL-CIO, a "bargaining representative" within the meaning of RCW 41.56-.030(3), has filed a timely and properly supported petition seeking investigation of a question concerning representation among certain employees of Kennewick General Hospital employed as registered nurses.
3. Washington State Nurses Association, a "bargaining representative" within the meaning of RCW 41.56.030(3), has been granted intervention in the proceedings as the incumbent exclusive bargaining representative of a bargaining unit of registered nurses employed by Kennewick General Hospital.
4. These proceedings concern a bargaining unit properly described as:

All full time, part time, and per diem registered nurses at Kennewick General Hospital, excluding supervisors, confidential employees and all other employees.

Issues framed in the matter concerning the bargaining unit status and eligibility of certain employees affect no more than 10% of the total number of employees involved.

CONCLUSIONS OF LAW

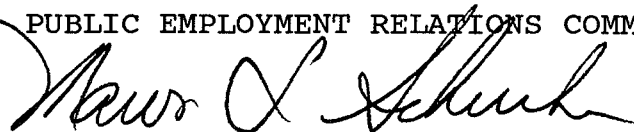
1. The Public Employment Relations Commission has jurisdiction in this matter pursuant to Chapter 41.56 RCW.
2. There is no dispute concerning the inclusion and voter eligibility of at least 90% of the employees within the bargaining unit described by the terms used in paragraph 4 of the foregoing findings of fact, and a question concerning representation presently exists under RCW 41.56.060 and 41.56.070 in such unit.
3. Issues concerning the bargaining unit status and voter eligibility of certain employees can be resolved through challenged ballot procedures under RCW 41.56.060 and Chapter 391-25 WAC.

DIRECTION OF ELECTION

An election by secret ballot shall be conducted under the direction of the Public Employment Relations Commission among all employees in the bargaining unit described in paragraph 4 of the foregoing findings of fact who are employed on the date of this order and remain so employed on the date of the election, for the purpose of determining whether a majority of those employees desire to be represented for the purposes of collective bargaining by United Staff Nurses Union, Local 141; by the Washington State Nurses Association; or by no exclusive bargaining representative.

DATED at Olympia, Washington, this 21st day of May, 1990.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARVIN L. SCHURKE, Executive Director

This Order may be appealed by filing timely objections with the Commission pursuant to WAC 391-25-590.