

**Valley Hospital, Ltd.<sup>1</sup> and Health, Professional & Technical Employees Association, Local 707, Service Employees International Union, AFL-CIO, Petitioner. Case 31-RC-3060**

December 23, 1975

**SUPPLEMENTAL DECISION AND ORDER**

BY MEMBERS FANNING, JENKINS, AND PENELLO

On October 16, 1975, the National Labor Relations Board issued a Decision<sup>2</sup> in the above-entitled matter finding, *inter alia*, that an all professional unit, excluding registered nurses, and a separate unit of registered nurses both constitute appropriate units, and directing elections in those units.<sup>3</sup> Based on Intervenor Nevada Nurses Association's (hereinafter referred to as NNA) request to represent registered nurses in a separate bargaining unit and *Mercy Hospitals of Sacramento, Inc.*, 217 NLRB No. 131 (1975), we found a separate bargaining unit of registered nurses appropriate notwithstanding that Petitioner sought a single professional unit including registered nurses.

Since NNA's request was for a unit different from that which Petitioner sought to represent,<sup>4</sup> it was incumbent upon NNA to support its request with a petitioner's showing of interest.<sup>5</sup> We are now administratively advised, however, that NNA has failed to make an adequate showing of interest in the unit of registered nurses. Under these circumstances, we shall modify our initial unit determinations and not direct an election in a separate unit of registered nurses.

As noted above, the petition filed by Petitioner was for a professional unit including registered nurses. Our original decision noted that both the Employer

and Intervenor Local Joint Executive Board of Las Vegas, Culinary Workers Local 226 & Bartenders Local 165, Hotel, Restaurant Employees and Bartenders International Union, AFL-CIO, were in agreement with Petitioner as to the appropriateness of that unit. Our finding that these nurses had sufficient community of interest as nurses to be represented separately when so sought does not negate the inherent community of interest in an overall professional unit. We find, therefore, that a professional unit including registered nurses is appropriate in this case.<sup>6</sup> Our original direction of election is hereby amended accordingly.<sup>7</sup>

Based on the foregoing and our original decision, we find that the following group of employees constitutes a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

**UNIT A:** All full-time and regular part-time professional employees, including registered nurses, the histologist, physical therapist, pharmacists, medical technologists II, medical technologists I, nuclear medical technologists, radiologic technologists, social worker, health records analysts, and the patient care evaluation assistant; excluding employees of Psychiatric<sup>8</sup> Associates at Nevada, and all other employees, guards, and supervisors as defined in the Act.

**UNIT B:** The unit originally designated Unit C is redesignated as Unit B.

**ORDER**

We hereby order that the units found appropriate in our original decision be modified to reflect our decision herein and that elections be directed in such units.<sup>9</sup>

appropriate unit, or the *most* appropriate unit. Rather, the Act requires only that the unit be 'appropriate,' that is, appropriate to insure employees 'the fullest freedom in exercising their rights guaranteed by this Act.' See, e.g., *Morland Brothers Beverage Co.*, 91 NLRB 409 (1950), enf'd. 190 F.2d 576 (C.A. 7, 1951)."

<sup>7</sup> Intervenor NNA expressed a desire to appear on the ballot for an election in an all-professional unit. If NNA is still willing to proceed to an election in such unit, we direct that its name be placed on the ballot, since it has made some showing of interest among the employees sought.

<sup>8</sup> At the time of hearing, the all-professional unit, including registered nurses, sought by Petitioner, consisted of approximately 97 employees. In our original decision, however, we found that the nine head nurses were not supervisors as defined in the Act. In our view, the expansion of the all-professional unit caused by the inclusion of these nine employees is negligible and does not affect the adequacy of the showing of interest with which Petitioner went to hearing. Nor does our inclusion of the seven medical records personnel in the nonprofessional unit affect the adequacy of the showing of interest with which Petitioner went to hearing. At the time of hearing, the unit of nonprofessional employees found appropriate in our original decision consisted of appropriately 139 employees.

<sup>9</sup> This Order does not affect the supervisory findings of the original decision.

<sup>1</sup> On October 27, 1975, Employer filed a Motion for Clarification of Decision and Direction of Elections in which Employer sought clarification as to what constitutes an adequate showing of interest for the three units designated in our original decision. In view of our findings herein, the motion is hereby denied.

<sup>2</sup> 220 NLRB No. 216

<sup>3</sup> Our original decision also found appropriate a unit of nonprofessional employees in which we directed an election.

<sup>4</sup> Although Petitioner expressed willingness to participate in an election in any unit found appropriate, its primary unit request was for an all-professional unit including registered nurses.

<sup>5</sup> *The Great Atlantic & Pacific Tea Company, Inc.*, 130 NLRB 226, 227 (1961), *Dierks Paper Company*, 120 NLRB 290 (1958), fn. 1.

In finding a separate bargaining unit of registered nurses appropriate in the original decision, we noted that NNA's showing of interest may be inadequate. We directed NNA, therefore, to submit to the Regional Director, within 10 days, such additional showing of interest as may be required. 220 NLRB No. 216, fn. 7.

<sup>6</sup> In *Dominican Santa Cruz Hospital*, 218 NLRB No. 182 (1975), we expressed the opinion that a unit of all professional employees including registered nurses may be an appropriate unit. We also noted therein that "The Act does not require that the unit for bargaining be the *only*