

Presbyterian University Hospital d/b/a University of Pittsburgh Medical Center and International Union of Operating Engineers, Local 95, 95A, AFL-CIO. Case 6-RC-10932

May 27, 1994

DECISION ON REVIEW AND ORDER

BY CHAIRMAN GOULD AND MEMBERS STEPHENS
AND COHEN

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel, which has considered the Employer's request for review of the Acting Regional Director's Decision and Direction of Election (pertinent portions of which are attached). The request for review is granted as it raises substantial issues warranting review. Having carefully considered the entire record in this matter, we have decided to affirm the Acting Regional Director's decision for the reasons explained below.

The Employer operates a medical complex in Pittsburgh. What is presently referred to as the University of Pittsburgh Medical Center [UPMC] was originally five separate corporate entities, including two acute care hospitals (Presbyterian University Hospital [Presbyterian] and Montefiore Hospital [Montefiore]), an eye and ear hospital, a clinic, and a psychiatric facility. As a result of mergers and consolidations, these entities all became part of UPMC, the present Employer. The Petitioner currently represents, and has represented for over 20 years, a unit of 72 skilled maintenance employees employed at Presbyterian. The unit includes: carpenters; painters and plasterers; electricians; plumbers; stationary engineers; heating, ventilation and air-conditioning mechanics; a welder; and general maintenance employees and helpers.

By the instant petition, the Petitioner seeks a self-determination election among four employees classified as "telecommunication specialists-I (voice)" [telecommunication specialists], in which those employees may choose whether to be represented as part of Presbyterian's existing skilled maintenance unit. The Employer contended below, and contends here in its request for review, that the telecommunication specialists are not skilled maintenance employees and therefore cannot appropriately be added to the existing skilled maintenance unit. The Employer further contends that if the Board finds the telecommunication specialists to be skilled maintenance employees, the voting group is not appropriate in any event, as it does not include all skilled maintenance employees employed at UPMC.

With regard to the first issue, the Acting Regional Director, citing *Toledo Hospital*, 312 NLRB 652 (1993), found that the telecommunication specialists are skilled maintenance employees. The record fully supports the Acting Regional Director's findings and

conclusion with respect to the telecommunication specialists' skilled maintenance status, and we adopt that portion of his decision.

With respect to the second issue, the Employer contends that if the Board finds the telecommunication specialists to be skilled maintenance employees and a self-determination election is directed, the Board must also include in the voting group 49 unrepresented skilled maintenance employees working at Montefiore, consisting of 6 air-conditioning mechanics, 5 electricians, 9 boiler room mechanics, 4 carpenters, 5 electricians, 12 general maintenance workers and helpers, 2 mechanical shop employees, 3 painters and plasterers, 2 plumbers, and 1 storeroom clerk. According to the Employer, the mergers and consolidations of Presbyterian, Montefiore, and other entities have resulted in a fully integrated, single entity; maintenance is now operated on an employerwide basis; the existing skilled maintenance unit at Presbyterian is an existing non-conforming unit, as defined in the Board's Health Care Rule;¹ and in order to add any employees to the existing unit, the Board must add all unrepresented skilled maintenance employees employed by the Employer.² *St. John's Hospital*, 307 NLRB 767 (1992). The Acting Regional Director found that the existing skilled maintenance unit at Presbyterian is a conforming, appropriate single-facility unit, and that *St. John's*, therefore, does not apply. Relying on *Manor Healthcare Corp.*, 285 NLRB 224 (1987), the Acting Regional Director found that the presumption of appropriateness of a single-facility unit had not been rebutted, and that the petitioned-for voting group of telecommunication specialists is an appropriate grouping in which to conduct a self-determination election.

We agree with the Acting Regional Director's conclusion that the existing skilled maintenance unit at Presbyterian remains an appropriate unit, and, therefore, that the skilled maintenance employees at Montefiore need not be included in the voting group for the self-determination election. However, we do so based on different rationale.

Contrary to the Acting Regional Director's finding, this case does not involve the single-facility presumption of appropriateness found in *Manor Healthcare*. Presbyterian's "facility" consists of eight buildings, several separated by one or more blocks from the others and one as much as 5 miles away from the more central grouping. Of Montefiore's five buildings, several are also separated from one another. The Employer has a total of about 40 buildings. Walkways, bridges, and tunnels connect some of the buildings, but

¹ *Collective-Bargaining Units in the Health Care Industry*, 54 Fed. Reg. 16336, 16348, 284 NLRB 1580, 1597 (1989).

² The Employer does not contend that there are any other skilled maintenance employees besides those at Montefiore who should be added to the Presbyterian unit.

not even all Presbyterian and Montefiore buildings; there is a line of demarcation on the bridges. Thus, Presbyterian's skilled maintenance unit is more accurately described as a multifacility unit. Furthermore, unlike *St. John's*, this case does not raise the issue of whether the scope of the existing unit within a facility conforms to the units deemed appropriate in the rule-making; rather, it is clear that, within Presbyterian, the existing unit encompasses all skilled maintenance employees except those sought to be added by this petition. The question to be answered here is whether changes have occurred that would render the existing, skilled maintenance unit at Presbyterian no longer appropriate. We find that they have not.

In determining whether the existing multilocation skilled maintenance unit at Presbyterian remains an appropriate unit, or whether only a larger multilocation unit of all skilled maintenance employees at UPMC is appropriate, the Board examines traditional community-of-interest factors including geographic proximity, local autonomy, employee interchange and interaction, functional integration, the employees' terms and conditions of employment, and bargaining history. See, e.g., *Dezcon, Inc.*, 295 NLRB 109 (1989).

Despite the mergers and consolidations, Presbyterian's skilled maintenance unit remains a distinct entity. The mergers have resulted in integrated control at the top of the Employer's personnel hierarchy—for example, the Employer has a single president, and its vice presidents are in charge of their respective areas employerwide. The executive vice president is also the vice president for business and finance, and is ultimately responsible for the information services department, including the telecommunication specialists at issue here. In contrast, the currently represented skilled maintenance employees are ultimately responsible to the vice president of construction and facilities management. The director of facilities management, who reports to this vice president, has authority over the currently represented skilled maintenance employees. However, first-line supervision of the skilled maintenance employees at Presbyterian and Montefiore remains distinct. Presbyterian's three maintenance department supervisors supervise various classifications of Presbyterian's skilled maintenance employees,³ while each skilled maintenance classification at Montefiore has a team leader who is the first-line supervisor. There is no overlapping first-line supervision among skilled maintenance employees at Presbyterian and Montefiore.

Although Presbyterian's and Montefiore's facilities are near each other; some Montefiore buildings are

closer to Presbyterian than some of Presbyterian's buildings are to each other; and some buildings are connected by walkways, bridges, or tunnels; this proximity has not substantially impacted on the operation of the existing unit. The Employer concedes the lack of contact between the skilled maintenance employees at Presbyterian and those at Montefiore. There is no interchange between the two groups. Each group works in its respective group of buildings. There have never been any joint projects involving both groups. The Employer has a central skilled maintenance dispatcher and centralized scheduling, but Presbyterian skilled maintenance employees are sent to Presbyterian facilities, and Montefiore skilled maintenance employees are sent to Montefiore facilities; each group works on schedules set for their respective facilities. Similarly, although the Employer has centralized materials management, material purchases are made separately by Presbyterian and Montefiore. Job openings at Presbyterian are posted at its eight buildings first, before posting employerwide; similarly, job openings at Montefiore are posted first at its five buildings. Recently, a supervisory position was open at Montefiore; it was posted only at Montefiore. On only one occasion did an employee from Presbyterian (a general maintenance helper seeking a general maintenance job) apply for and obtain a job at Montefiore. Contrary to the Employer's claim, the collective-bargaining agreement between Presbyterian and the Employer does not prohibit Montefiore's skilled maintenance employees from working at Presbyterian's buildings. Rather, the Employer recognizes the Petitioner as the sole collective-bargaining representative of the employees in Presbyterian's maintenance department as previously certified by the state labor relations board and the NLRB, without further detail. In fact, the Eye and Ear Pavilion (a portion of Presbyterian) was staffed by Montefiore employees during the day and Presbyterian employees at night until a year ago, when Presbyterian became the sole provider of skilled maintenance at that building.

There is a long history of bargaining in the separate skilled maintenance unit at Presbyterian. That unit has been in existence for over 20 years, with a successful and peaceful history. Although the mergers and consolidations leading to the current Employer began as early as 1989, the Employer has continued to recognize the skilled maintenance unit at Presbyterian as appropriate. It is only now, in response to the Petitioner's request for a self-determination election to add the four telecommunication specialists to the existing unit, that the Employer has asked the Board to reexamine the appropriateness of the existing unit by asserting that the skilled maintenance employees at Montefiore also

³ In addition to 13 stationary engineers in the unit, 7 nonunit stationary engineers employed by a contractor also work in a Presbyterian building; they are supervised by the Employer.

must be granted the option of voting whether to join the existing unit.⁴

Based on the factors set forth above, we find that the existing skilled maintenance unit at Presbyterian remains appropriate, and would continue (if the telecommunication specialists vote in favor of representation in the existing unit) to constitute an appropriate unit for bargaining. That the telecommunication specialists might occasionally work in some buildings beyond those eight comprising Presbyterian does not require a different result. Although the telecommunication specialists are responsible for the installation and repair of the Employer's telephone network, and according to the voice department manager, could have worked in all 40 buildings, they have not in fact done so. Telecommunication specialists are located in a wing of the main Presbyterian Hospital building, and most of their work is in the Presbyterian complex, with visits to a few other buildings. The telephone main frame is near their work area in the main Presbyterian Hospital building, and it is used to activate telephones in other buildings. Montefiore has its own switch system. Montefiore's telephones are serviced by outside contractors; the sole telecommunication specialist who testified at the hearing had only worked at Montefiore once or twice for a few minutes, and there is no evidence that his experience was other than the norm. The addition of the telecommunication specialists to the existing skilled maintenance unit at Presbyterian will not change the fact that Presbyterian's and Montefiore's skilled maintenance operations are distinct.

In sum, the Acting Regional Director properly directed a self-determination election in the petitioned-for voting group of telecommunication specialists, excluding the skilled maintenance employees at Montefiore.

ORDER

The Acting Regional Director's decision is affirmed, as modified above, and the case is remanded to the Regional Director for further appropriate action.

⁴The Employer does *not* explicitly assert that the existing skilled maintenance unit at Presbyterian is no longer an appropriate unit for bargaining; however, that is the only logical predicate for the Employer's argument that, if a self-determination election is to be held, the voting group must include all skilled maintenance employees at Montefiore.

APPENDIX

Acting Regional Director's Decision and Direction of Election

The Petitioner, through the means of a self-determination election, seeks to add four previously unrepresented telecommunication specialists I (voice), also referred to in the record as TS-I(v) employees, to an existing collective-bargaining unit comprising all skilled maintenance employees at

Presbyterian University Hospital. The Employer, contrary to the Petitioner, contends that the four telecommunications specialists I (voice) ["TS-I(v)"] are not skilled maintenance employees as defined by the Board in its Final Rule on Collective Bargaining Units in the Health Care Industry (the Health Care Rule or the Rule), 284 NLRB 1579, 1596-1597 (1989),⁴ and, therefore, the petition should be dismissed. In the alternative, however, the Employer contends that, should the TS-I(v) employees be found to be skilled maintenance employees, then the appropriate unit for the self-determination election should also include approximately 49 unrepresented skilled maintenance employees who are located at the Employer's Montefiore University Hospital facilities (MUH).⁵ There are approximately 72 employees in the existing unit of skilled maintenance employees, including 15 carpenters, 7 painters and plasterers, 10 electricians, 6 plumbers, 13 stationary engineers, 10 HVAC mechanics, 1 welder and 8 general maintenance workers and helpers, located at the Employer's Presbyterian University Hospital facilities (PUH).⁶ A collective-bargaining agreement covering those employees is presently in effect and will expire on March 31, 1997. The group of unrepresented skilled maintenance employees located at MUH consists of 6 air-conditioning mechanics, 5 electricians, 9 boiler room mechanics, 4 carpenters, 5 electricians, 12 general maintenance workers and helpers, 2 mechanical shop employees, 3 painters and plasterers, 2 plumbers and 1 storeroom clerk.

General Background

The Employer, a private not-for-profit Pennsylvania corporation, is engaged in the operation of an acute care hospital, medical research and educational center at its location in Pittsburgh, Pennsylvania.

What is presently referred to as the University of Pittsburgh Medical Center (UPMC) was originally five separate corporate entities: Presbyterian University Hospital, Falk Clinic, Montefiore Hospital, Eye and Ear Hospital and Western Psychiatric Institute. Since about 1989, a series of mergers and consolidations have occurred whereby these separate entities all became part of the present Employer, PUH d/b/a UPMC. Thus, UPMC now includes Western Psychiatric Institute, Eye and Ear, Falk Clinic, Montefiore and Presbyterian Hospitals. It is a single corporation with one Board of Directors and one license from the Commonwealth of Pennsylvania. In July 1993, when the merger of MUH into PUH took place, the parent corporation's name was changed to UPMC System. This parent corporation acts only as a holding company for real estate. UPMC is comprised of approximately 40 buildings: 5 are maintained by employees of MUH, 8 are maintained by the unit employees at PUH; and the remainder are maintained by outside contractors.

⁴The Rule is set forth at 29 CFR Part 103, Federal Register No. 76, pp. 16336, 16347-16348. The United States Supreme Court upheld the validity of the Rule in *American Hospital Assn. v. NLRB*, 499 U.S. 606, 111 S. Ct. 1539, 137 LRRM 2001 (1991).

⁵The MUH facilities include five buildings: Montefiore Hospital, Kaufmann Building, House Staff Residence, Eye and Ear Institute and NMR (Neuromagnetic Resonance) Building.

⁶The PUH facilities include eight buildings: Presbyterian Hospital, Scaife Hall, Biomedical Science Tower, Falk Clinic, Lhormer Building, University Center, Wilson Building and 1400 Penn Avenue.

Administratively, UMPC is headed by Chief Executive Officer Jeffrey Romoff and Executive Vice President John Paul, who also acts as Chief Operating Officer. Under them are several vice presidents who are responsible for specific aspects of UMPC's administration. In addition to his duties as chief operating officer, John Paul also functions as the Employer's Business and Finance Vice President. In this latter capacity, he is responsible for all of the financial operations, including billing, Medicare, Medicaid, insurance, HMOs and purchasing. Also included among his duties as the business and finance vice president is responsibility for the information services department, which involves the computers and telephone services utilized by the Employer. The employees sought by the instant petition report through a supervisory hierarchy to Paul. The skilled maintenance employees are ultimately responsible to Ron Forsythe, the vice president of construction and facilities management. Reporting to Forsythe is Alan Harris, Director of Facilities Management. The other vice presidents include George Huber, vice president and chief legal officer. In addition to overseeing the legal staff, Huber is also responsible for the human resources department, which is headed by Sid Seligman. Jeffrey Masnick is vice president of budget and financial planning. Carol Anderson is vice president of psychiatric services and is responsible for the administration of Western Psychiatric Institute as well as psychiatric services throughout UMPC. Loren Roth is a vice president who is responsible for clinical services at Western Psychiatric Institute and is also responsible for Managed Care relationships at UMPC. The vice presidency for Inpatient Clinical Services is currently vacant and a search is being conducted to fill that position.

The Existing Skilled Maintenance Unit

The skilled maintenance unit at PUH has been certified since about 1972. Their wages, at the present time, range from \$11.15 per hour for general maintenance helper to the highest rate of \$18.04 per hour for master electricians and master plumbers. The unit employees report to various supervisors who in turn report to Alan Harris, Director of Facilities Management and Plant Maintenance. The 15 carpenters report to supervisor Ed Weimer. The carpenters are based in the basement of Lothrop Hall, which is adjacent to Children's Hospital. Their timeclock, a locker room, a carpentry shop and a toolroom are located there. They also have a larger shop in a building on the south side of Pittsburgh. The qualifications required to be a carpenter include 3 to 5 years of experience and some kind of educational training, either high school, trade school, or apprenticeship. There is no certification or license requirement for carpenters. The carpenters do much of their work in the shop, but they also perform work on site, which often brings them into contact with other unit employees and also with TS-I(v) employees at issue. The carpenters wear gray uniforms and work the daylight shift, from 7:30 a.m. to 4 p.m. The carpenters are responsible for ceilings, window treatments, floors, doors, handles, shelving, minor construction work, and cabinet construction.

The seven painters and plasterers in the unit also have their shop, timeclock, and lockers in Lothrop Hall, near the carpenters. Likewise, the painters/plasterers report to supervisor Ed Weimer. These craft employees are required to have at least 3 years of experience and a high school diploma.

There is no certification or licensing requirement for their position. While they have a storeroom and work area in which they mix paints and prepare materials, most of their time is spent on site, where they repair walls and put on wall treatments, including stains, paints, plaster, and wall coverings. The painters/plasterers have little contact with other unit employees while onsite since their work is most often performed after the other craft employees have finished their respective parts of the job. The painters/plasterers work daylight and wear white uniforms.

The 10 electricians in the unit report to Supervisor Bob Baltos, who himself reports to electrical engineer John Romick. The electricians have their lockers, timeclock and shop in the basement of the Bio-Medical Science Tower. The qualifications to become an electrician include high school or trade school training, 3 to 5 years of experience, and an electrical license from the City of Pittsburgh. Most of the electricians' work is performed on site and they often see other unit employees as well as TS-I(v) employees while they perform their work. The electricians are responsible for the electrical and fire alarm systems. The electricians work daylight and wear gray uniforms.

The six plumbers in the unit report to Supervisor Pete Roth. Their lockers, shop, and timeclock are located on the ground level of PUH. In addition, the plumbers have a second shop in Scaife Hall. The qualifications for the position of plumber include high school, trade school or apprenticeship training, 3 to 5 years of experience, and a plumber's license. The plumbers are responsible for the functioning of the sewers, water distribution, bathrooms, fountains, and the piping for medical gases. Most of the plumbers' work is performed on site, where they may have occasion to work simultaneously alongside other craft employees and/or TS-I(v) employees. The plumbers work daylight and wear gray uniforms.

There are 13 stationary employees in the PUH unit. Seven of these engineers have their lockers, shop, and timeclock in PUH, as do the plumbers, and they report to Supervisor Pete Roth. Six of the stationary engineers report to Supervisor Ed Dudek, and have their lockers, shop, and timeclock in the Bio-Medical Science Tower.⁷ The qualifications for a stationary engineer include a high school or trade school education, 3 to 5 years of experience and a stationary engineer's license from the city of Pittsburgh. The stationary engineers are responsible for the operation of the physical plant, including pumps and fire systems. Most of their work is performed onsite, where they check and repair equipment. Much of their time is spent in the mechanical rooms of the various buildings. Except for the HVAC mechanics, the stationary engineers do not have much contact with the other unit employees. Unlike the other employees in the unit, stationary engineers are scheduled for all three shifts, so that one or more of them are always available and on duty. They wear brown uniforms rather than gray or white ones.

There are 10 HVAC mechanics who are supervised by Pete Roth and have their lockers, shop, and timeclock on the ground floor of PUH. The HVAC mechanics must have three years of schooling or apprenticeship or experience with large

⁷There are six other stationary engineers whose lockers, etc., are in Scaife Hall, but those six are employees of the University of Pittsburgh and are not part of the unit of PUH employees.

heating and air-conditioning systems. There is no requirement of any kind of license or certification for this position.⁸ These HVAC mechanics are responsible for the heating and air-conditioning systems and the work includes both repairs and preventive maintenance. In doing this work, most of which is onsite, the HVAC mechanics may come into contact with other unit employees such as stationary engineers, electricians, and plumbers. The HVAC mechanics wear gray uniforms and work only on the daylight shift.

There is one welder in the unit who also reports to Supervisor Pete Roth. The welder uses the same facilities as the carpenters in Lothrop Hall. He spends most of his time in the shop, making repairs on and fabricating metal equipment, such as tables, IV stands and kitchen equipment. The welder has little contact with the other unit employees. The only requirement for this position is a welder's certificate. The welder wears a gray uniform and works the daylight shift.

Finally, there are eight general maintenance employees and helpers. These eight employees have lockers scattered in all of the locations where other unit employees are located, and they report to Supervisor George Jones. The general maintenance employees punch a timeclock wherever their lockers are located. The only qualification for this position is completion of high school shop courses. The helper is an entry level position, and the helper then may move up to the position of general maintenance employee. From that position, the Employer has various training programs in which the general maintenance employees may take part so that they may eventually bid on and be promoted to the other craft positions. The general maintenance employees assist the other crafts and do small maintenance chores such as plunging toilets, cleaning electrical closets and replacing lightbulbs. They wear gray uniforms and work daylight hours.

Telecommunication Specialists-I (voice)

At issue herein, initially, is whether or not the four TS-I(v) employees⁹ are skilled maintenance employees and whether they have a sufficient community of interest with the previously described craft employees to be included in the unit. The TS-I(v) employees are part of the Information Services Department, which is headed by James Witenski. Reporting to Witenski is Paul Sikora whose position is director of technical and production services at PUH. Under Sikora is the Communications Department which has two sections, voice and data, both of which are headed by John Bregar, who reports to Sikora. The "voice" section of the department is responsible for maintaining the telephone system for UPMC, while the "data" section is responsible for maintenance of the computer services. The four TS-I(v) employees at issue herein are in the voice section of that department.

The manager of voice communications is Edward Miske, who reports to Bregar. Bregar directly supervises the data Communications employees, who are not at issue herein.¹⁰

⁸ Although not required, all of the 10 HVAC mechanics presently employed at PUH possess stationary engineer's licenses.

⁹ The four TS-I(v) employees employed by PUH are Dan Flaherty, Joe Fromelius, Frank Szegedy, and John Capetta.

¹⁰ The parties stipulated, and I find, that the telecommunication specialists-I (Data) and the telecommunication specialists - II (Data) employees do not share a community of interest with the unit employees in that they have different job and educational requirements

The four TS-I(v) employees work under supervisor Chuck Hilton. In addition, the four TS-I(v) employees receive assignments and supervision from Mike Bruno, who is a Telecommunication specialist-II (v) employee.¹¹

The TS-I(v) employees report to the eighth floor of the eye and ear wing of PUH. They work daylight shift from 6 a.m. to 2:30 p.m. They do not wear any type of uniform. They sign a timesheet rather than punching a timeclock. The four TS-I(v) employees receive their assignments from Bruno, and then they go to whichever building or location requires telephone wiring or is experiencing a problem with the telephone system. Although their territory is not limited, these four employees do almost all of their work in the eight buildings which comprise PUH. While they have occasionally been sent to work in a building other than the eight PUH buildings, they have never been assigned to work in any of the five buildings which make up MUH.

The qualifications to be hired as a TS-I(v) employee are a high school education and 1 to 3 years of experience, either with the telephone company or an interconnect company. There is no licensing or certification requirement. The TS-I(v) employees earn between \$12 and \$16 per hour.

The majority of the work of the TS-I(v) employees consist of installing cable wires and jacks. The wires are run inside a wall or above a ceiling to an electrical closet, where the wires are attached to a connector. The wires are then activated at a later time to be either voice or data. If the wires are run inside a wall, they are run through a "raceway" or a wire trough, which is sometimes prepared and installed by the PUH electricians. The raceways run along the bottom of walls. If a TS-I(v) employee runs wires through a ceiling rather than a wall, then the wires must be tied up so that they do not come into contact with the lights. This type of work involves the use of various tools, including sabersaws, knives, wire crimpers, drills, splicers, hammers and hammerdrills. The work described above is often performed where new construction or renovations are being done. It can also be required when telephone equipment is being added or moved. Particularly when the TS-I(v) employees are working in a new construction or renovation site, they frequently come into contact with and work simultaneously beside unit employees. Such unit employees might include carpenters, plumbers, electricians and/or general maintenance. Thus, the TS-I(v) employees often pull wires through walls at the same time and at the same place where unit employees are working, e.g., installing electrical outlets, installing plumbing fixtures, installing light fixtures, and plastering. Approximately 60 to 80 percent of their worktime is spent performing this type of work.

During the remaining 20 to 40 percent of their worktime, the TS-I(v) employees respond to calls and repair telephones. The TS-I(v) employees respond to calls throughout PUH where a problem is occurring with a telephone. After trouble-

and lack any applicable degree of contact and interchange with the unit employees.

¹¹ The parties stipulated, and I find, that the telecommunication specialist-II (v) and telecommunication specialist-III (Data) employees are supervisors within the meaning of Sec. 2(11) of the Act in that they have the authority to recommend discipline, assign work, grant time off, and perform evaluations of other employees. I shall, therefore, exclude those classifications from the petitioned-for voting group.

shooting the problem, the TS-I(v) either replaces the defective part or, if necessary, replaces the entire telephone. If the latter is done, then the telephone that was removed is taken back to the shop and either sent back to the manufacturer, repaired by the TS-I(v) employees or broken down for parts to be used to repair other telephones.

In its second Notice of Proposed Rulemaking, 53 Fed. Reg. 33900 (Sept. 1, 1988), the Board identified six factors which distinguish skilled maintenance employees from other employees. These factors are essentially the same factors used to identify a community of interest among employees. *Kalamazoo Paper Box Corp.*, 136 NLRB 134, 137 (1962). They include: function and skill level; education, licensing and training; supervision; wages, hours, and working conditions; interaction with other employees; and labor market and career path. 53 Fed. Reg. at 33920-21. Further, the Board has held that a distinguishing feature of skilled maintenance employees is that their work tasks involve equipment and systems rather than direct patient care tasks, and whether any patient care is a primary as opposed to incidental duty of the job. *Jewish Hospital of St. Louis*, 305 NLRB 955 (1991).

Applying the above factors to the instant case, it is clear that the TS-I(v) employees are skilled maintenance employees and have a community of interest with the other skilled maintenance employees in the existing unit. With regard to function and skill level, these employees, as those in the unit, perform work functions that relate to maintenance of the physical plant. In a recent case, the Board has found that the job of wiring the telephone system through the walls involves the repair and maintenance of the physical plant. *Toledo Hospital*, 312 NLRB 652 (1993). Further, the job qualifications for a TS-I(v) employee requires 1 to 3 years of experience in this field. Moreover, their work involves not only installation of wiring for telephone system, but also repair of telephones that are not working correctly. Thus, their function and skill level is comparable to those already in the skilled maintenance unit.

With regard to education, licensing and training, the TS-I(v) are required to possess a high school diploma and 1 to 3 years of experience either with a telephone or an interconnect company. This requirement is similar to that of the painters, plasterers, carpenters, and HVAC mechanics, whose qualifications include a similar educational and job experience background but no licensing or certification. While the TS-I(v) employees report to different supervisors and are organizationally in a different department than the unit employees, this, by itself, is not a determining factor. The Board has found certain classifications of employees to be in a skilled maintenance unit even though they have been administratively placed in a different department and/or have different supervision. *Toledo Hospital*, supra; *San Juan Regional Medical Center*, 307 NLRB 117 (1992); *Jewish Hospital of St. Louis*, supra. Moreover, like the unit employees, the TS-I(v) employees do much of their work onsite and work largely unsupervised.

With regard to wages, hours, and working conditions, once again, the TS-I(v) employees and the craft employees have much in common. Their wage rates are similar. Except for stationary engineers, the unit employees work only daylight, as do the TS-I(v) employees, albeit slightly different hours. Most of the other differences between the TS-I(v) employees and the unit employees are a result of the collective-bargain-

ing agreement, which gives the unit employees some different benefits from unrepresented employees at UPMC. These differences include seniority, pensions, life insurance, vacations, holidays, and the grievance procedure.

Also significant is the fact that the TS-I(v) employees interact regularly with the unit employees during their work. Thus, the TS-I(v) employees often work at the same site alongside electricians, plumbers, carpenters, general maintenance, etc. As previously described, the various crafts already in the unit report to and often work in different locations such as Lothrop, PUH, and the Bio-Medical Science Tower. Because of their specialized skills, the various craft employees do not always interact with each other regularly. That is, each craft person performs his/her separate skill as needed, and that may or may not require interaction with other crafts. Likewise, the TS-I(v) employees work at various sites, sometimes alongside the unit employees and sometimes not. Most of their work, however, is done within the eight buildings which make up PUH. Further, the electricians and the TS-I(v) employees appear to interact in the preparation of "raceways" and work done inside of electrical closets. Thus, there is considerable interaction between the TS-I(v) employees and certain of the craft employees already in the unit.

The final factor to be considered is the labor market and career paths. The labor market in both the case of the TS-I(v) employees and that of the other crafts is similar. Except for situations where the Employer chooses general maintenance employees who have been trained by PUH for a certain craft, the Employer posts job openings for both TS-I(v) employees and for various crafts throughout UPMC. In such situations, if an applicant is not found within UPMC who fulfills the qualifications required, then PUH advertises and/or searches outside of UPMC for suitable candidates for the job. Thus, except for the training programs presently available for general maintenance employees, the labor markets for both TS-I(v) employees and the unit employees is similar.

With regard to career paths, the TS-I(v) employees may be promoted to TS-II(v) eventually. While in a different department, it is comparable to a plumber or an electrician moving from apprentice to journeyman or from journeyman to master. Just as plumbers do not move into openings for carpenters, so TS-I(v) employees progress within the structure for their particular skill. Thus, overall, when analyzing the factors above, the TS-I(v) employees at PUH have much in common with the employees in the unit.

In *Toledo Hospital*, supra, the Board specifically discussed the issue of the placement of telecommunications technicians in detail and found such employees to be properly included in a skilled maintenance unit. In that case, the telecommunications technicians, as the TS-I(v) employees herein, pull cable, make connections and repair and replace telephone equipment. As in this case, the technicians in *Toledo Hospital* were in a separate department from the other skilled maintenance employees. The technicians in *Toledo Hospital*, as the TS-I(v) employees do at PUH, have some contact with other crafts when they work simultaneously at the same site. In *Toledo Hospital* and this case, the employee is required to have a high school diploma and pertinent job experience, although in *Toledo Hospital* a certificate in a telephone system is also required. In sum, I find that the TS-I(v) employ-

ees at PUH are identical in all significant respects to the telecommunications technicians in *Toledo Hospital*, supra. Thus, the Board's finding in *Toledo Hospital* reinforces my finding that the TS-I(v) employees are skilled maintenance employees as defined by the Board in its Health Care Rule.

Accordingly, based on the above and the record as a whole, I find that the four TS-I(v) employees are skilled maintenance employees and that they share a community of interest with the existing unit of skilled maintenance employees.