

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

SAINT LUKE'S MEMORIAL HOSPITAL, INC.
d/b/a HOSPITAL SAN LUCAS PONCE
Employer

and

Case 24-RC-099271

UNIDAD LABORAL DE ENFERMERAS (OS)
Y EMPLEADOS DE LA SALUD
Petitioner

ORDER

Employer's Request for Review of the Acting Regional Director's Decision and Direction of Election is denied as it raises no substantial issues warranting review.¹

MARK GASTON PEARCE, CHAIRMAN

RICHARD F. GRIFFIN, JR., MEMBER

Member Block, dissenting in part.

I would grant the Employer's request for review with respect to the supervisory status of its registered nurses. I join my colleagues in denying review in all other respects.

SHARON BLOCK, MEMBER

Dated, Washington, D.C., July 11, 2013.

¹ In denying review, we rely on evidence that: the distribution of patients to RNs is performed in accordance with established protocols, under which points are assigned according to each patient's condition; all of the RNs in the department have the skills to perform all required tasks; and, to the extent that certain RNs are perceived to possess superior skills with regard to particular tasks or assignments, that information is well known. In view of that evidence and the Employer's failure to point to any specific or non-conclusory evidence that In Charge Nurses (NICs) assign employees using independent judgment, we decline to review the Regional Director's determination that the Employer failed to show that NICs exercise assignment authority within the meaning of Sec. 2(11) of the Act. We also note that when an RN serves as an NIC, she spends virtually her entire shift engaged in direct patient care, carrying the same load as other RNs.