

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

PRIME HEALTHCARE SERVICES D/B/A SAINT
MARY'S REGIONAL MEDICAL CENTER, RENO
Employer

and

Case 32-RC-156669

CALIFORNIA NURSES
ASSOCIATION/NATIONAL NURSES
ORGANIZING COMMITTEE/NATIONAL
NURSES UNITED (CNA/NNOC/NUU)
Petitioner

ORDER GRANTING REVIEW AND REMANDING

The Petitioner's Request for Review of the Regional Director's Decision and Order is granted as it raises substantial issues warranting review solely with respect to whether the Employer's approximately 24 hospice nurses working out of its satellite facility located at 690 Sierra Rose Drive, Reno, Nevada constitute an appropriate voting group for an *Armour-Globe*¹ self-determination election. The Petitioner seeks to add these employees to its existing unit of registered nurses employed at the Employer's acute care hospital located at 235 West 6th Street, Reno, Nevada. We conclude, however, that this issue is best resolved by remanding the case to the Regional Director to consider the applicability of the Board's Health Care Rule, 29 CFR §103.30 (the Rule).²

On remand, the Regional Director shall determine whether the Rule applies to the satellite facility, including whether it is, or is part of, an acute care facility as defined in the Rule. The Regional Director shall also determine whether the existing unit of registered nurses is an appropriate, conforming unit as defined by the Rule or is instead a nonconforming unit due to the exclusion from it of nurses working out of the satellite facility. If the Regional Director finds that the existing unit is nonconforming, he shall further consider whether holding a self-determination election among the hospice nurses would be appropriate under the principles stated in *St. Vincent Charity Medical Center*, 357 NLRB 854 (2011) (directing self-determination election adding some, but not all employees residual to an extant nonconforming acute care unit).³ If the Regional Director determines that the existing unit is conforming, he

¹ *Armour & Co.*, 40 NLRB 1333 (1942), and *Globe Machine & Stamping Co.*, 3 NLRB 294 (1937).

² In his decision, the Regional Director found that the hospital was an acute care hospital and assumed, without deciding, that the Rule applied to the satellite facility.

³ Member Miscimarra does not necessarily agree with the holding in *St. Vincent Charity Medical Center*, above. Nevertheless, he agrees that a remand to determine the applicability of the Rule is appropriate.

shall consider whether the inclusion of the petitioned-for hospice nurses would render it nonconforming.

Accordingly, we remand this case to the Regional Director for further appropriate action consistent with this Order, including, if necessary, reopening the record, and the issuance of an appropriate supplemental decision.

MARK GASTON PEARCE, CHAIRMAN

PHILIP A. MISCIMARRA, MEMBER

KENT Y. HIROZAWA, MEMBER

Dated, Washington, D.C., June 28, 2016.