

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 13**

**RUSH UNIVERSITY MEDICAL CENTER**

**Employer**

**and**

**HEALTH CARE, PROFESSIONAL, TECHNICAL,  
OFFICE, WAREHOUSE AND MAIL ORDER  
EMPLOYEES UNION LOCAL 743 affiliated with the  
INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS**

**Case 13-RC-272731**

**Petitioner**

**DECISION AND DIRECTION OF ELECTION**

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act (Act), a hearing on this petition was conducted before a hearing officer of the National Labor Relations Board (Board). Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated to the undersigned its authority in this proceeding.<sup>1</sup>

**I. DECISION**

No issues were raised about a question concerning representation.

**IT IS HEREBY ORDERED** that an election be conducted under the direction of the Regional Director for Region 13 in the following appropriate voting group:

**Included:** All full-time and regular part-time phlebotomists employed by the Employer who work in an inpatient or outpatient setting on the Employer's main acute care campus in Chicago, Illinois, which include the main acute care hospital buildings located at 1620

---

<sup>1</sup> Upon the entire record in this proceeding, the undersigned finds:

- 1) The hearing officer's rulings made at the hearing are free from prejudicial error and are affirmed.
- 2) The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.
- 3) The Petitioner is a labor organization within the meaning of Section 2(5) the Act.
- 4) The Petitioner claims to represent certain employees of the Employer in the voting group described in the petition it filed herein, but the Employer declines to recognize the Petitioner as the collective-bargaining representative of those employees.
- 5) There is no collective-bargaining agreement covering any of the employees in the voting group sought in this petition and the parties do not contend that there is any contract bar to this proceeding.
- 6) A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.

W. Harrison St., the Armour Academic Center located at 600 S. Paulina St., the Jelke Building located at 1750 W. Harrison St., the Professional Office Building located at 1725 W. Harrison St., the Triangle Office Building located at 1700 W. Van Buren St., and the Westgate Building located at 1645 W. Jackson Blvd.

**Excluded:** All phlebotomists working at any of the Employer's other locations, phlebotomy supervisors, doctors, registered nurses, technical employees, skilled maintenance employees, employees in the existing or another collective bargaining unit, all other employees, guards, professional employees and supervisors as defined in the Act.

There are approximately 62 eligible voters in the unit.

## II. CONCLUSION

Based on the foregoing and the entire record herein,<sup>2</sup> I find that it is appropriate to conduct an election in the unit set forth above.

### DIRECTION OF ELECTION

The National Labor Relations Board will conduct a secret ballot election among the employees in the unit found appropriate above. Employees will vote whether or not they wish to be represented for purposes of collective bargaining by Health Care, Professional, Technical, Office, Warehouse and Mail Order Employees Union Local 743 affiliated with the International Brotherhood of Teamsters as part of the existing nonconforming unit of nonprofessional employees represented by the Health Care, Professional, Technical, Office, Warehouse and Mail Order Employees Union Local 743 affiliated with the International Brotherhood of Teamsters at the Employer's facility located in Chicago, Illinois.<sup>3</sup>

---

<sup>2</sup> The Employer filed a brief setting forth its arguments as to why a manual election should be conducted in this matter. However, as noted, under the Board's Rules and Regulations, the type of election is not a litigable issue.

<sup>3</sup> As stipulated by the parties: All environmental aides, environmental specialists, environmental technicians, floor techs, linen specialists, dietary workers, laundry workers, transport specialists, elevator operators, maintenance employees, central service technical assistants, nursing attendants, psychiatric aides, community health aides, lab helpers, operating room attendants, mail room clerks, unit clerks, geriatric technicians, patient service associates (PSAs), physical therapy aides, rehabilitation aides, pediatric assistants, pediatric nursing assistants, certified nursing assistants (CNAs), patient care techs (PCTs), truck drivers (laundry & SPD), supply chain tech, supply chain tech lead, OR materials tech, OR materials lead, food service assistant I lead, food service assistant II lead, environmental specialist lead, transport specialist lead, unit clerk lead, and journeymen lead. The existing bargaining unit specifically excludes supervisors, temporary and casual employees, nursing assistant IIs (NAIIs), regular part-time employees normally working less than seventeen (17) hours per week, and all other employees of the Medical Center.

## 1. Election Details

I direct the election be conducted by mail ballot. Since, pursuant to Section 102.66(g)(1) of the Board's Rules and Regulations, the type of election is not a litigable issue, my rationale for directing a mail ballot election is set forth in a separate letter.

The ballots will be mailed to employees employed in the appropriate collective-bargaining unit at 5:00 p.m. CT on **Wednesday, March 24, 2021**, from the National Labor Relations Board, Region 13, 219 South Dearborn Street, Suite 808, Chicago, Illinois. Voters must sign the outside of the envelope in which the ballot is returned. Any ballot received in an envelope that is not signed will be automatically void.

Those employees who believe that they are eligible to vote by mail and do not receive a ballot in the mail by **March 31, 2021**, should communicate immediately with the National Labor Relations Board by either calling the Region 13 Office at (312) 353-7570 or our national toll-free line at 1-844-762-NLRB (1-844-762-6572).

Ballots will be due on **Wednesday, April 14, 2021**. All ballots will be commingled and counted on **Monday, April 19, 2021** at 1:00 p.m. CT. In order to be valid and counted, the returned ballots must be received in the Regional Office prior to the counting of the ballots.

## 2. Voting Eligibility

Eligible to vote are those in the unit who were employed during the payroll period ending **March 7, 2021**, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off.

Employees engaged in an economic strike, who have retained their status as strikers and who have not been permanently replaced, are also eligible to vote. In addition, in an economic strike that commenced less than 12 months before the election date, employees engaged in such strike who have retained their status as strikers but who have been permanently replaced, as well as their replacements, are eligible to vote. Unit employees in the military services of the United States may vote if they appear in person at the polls.

Ineligible to vote are 1) employees who have quit or been discharged for cause since the designated payroll period; 2) striking employees who have been discharged for cause since the strike began and who have not been rehired or reinstated before the election date; and 3) employees who are engaged in an economic strike that began more than 12 months before the election date and who have been permanently replaced.

## 3. Voter List

As required by Section 102.67(l) of the Board's Rules and Regulations, the Employer must provide the Regional Director and parties named in this decision a list of the full names, work locations, shifts, job classifications, and contact information (including home addresses,

available personal email addresses, and available home and personal cell telephone numbers) of all eligible voters.

To be timely filed and served, the list must be *received* by the regional director and the parties by **March 18, 2021**. The list must be accompanied by a certificate of service showing service on all parties. **The region will no longer serve the voter list.**

Unless the Employer certifies that it does not possess the capacity to produce the list in the required form, the list must be provided in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word (.doc or .docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. Because the list will be used during the election, the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at [www.nlr.gov/what-we-do/conduct-elections/representation-case-rules-effective-april-14-2015](http://www.nlr.gov/what-we-do/conduct-elections/representation-case-rules-effective-april-14-2015).

When feasible, the list shall be filed electronically with the Region and served electronically on the other parties named in this decision. The list may be electronically filed with the Region by using the E-filing system on the Agency's website at [www.nlr.gov](http://www.nlr.gov). Once the website is accessed, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions.

Failure to comply with the above requirements will be grounds for setting aside the election whenever proper and timely objections are filed. However, the Employer may not object to the failure to file or serve the list within the specified time or in the proper format if it is responsible for the failure.

No party shall use the voter list for purposes other than the representation proceeding, Board proceedings arising from it, and related matters.

#### **4. Posting of Notices of Election**

Pursuant to Section 102.67(k) of the Board's Rules, the Employer must post copies of the Notice of Election accompanying this Decision in conspicuous places, including all places where notices to employees in the unit found appropriate are customarily posted. The Notice must be posted so all pages of the Notice are simultaneously visible. In addition, if the Employer customarily communicates electronically with some or all of the employees in the unit found appropriate, the Employer must also distribute the Notice of Election electronically to those employees. The Employer must post copies of the Notice at least 3 full working days prior to 12:01 a.m. of the day of the election and copies must remain posted until the end of the election. For purposes of posting, working day means an entire 24-hour period excluding Saturdays, Sundays, and holidays. However, a party shall be estopped from objecting to the nonposting of notices if it is responsible for the nonposting, and likewise shall be estopped from objecting to the nondistribution of notices if it is responsible for the nondistribution.

Failure to follow the posting requirements set forth above will be grounds for setting aside the election if proper and timely objections are filed.

### **III. RIGHT TO REQUEST REVIEW**

Pursuant to Section 102.67 of the Board's Rules and Regulations, a request for review may be filed with the Board at any time following the issuance of this Decision until 10 business days after a final disposition of the proceeding by the Regional Director. Accordingly, a party is not precluded from filing a request for review of this decision after the election on the grounds that it did not file a request for review of this Decision prior to the election. The request for review must conform to the requirements of Section 102.67 of the Board's Rules and Regulations.

**Pursuant to Section 102.5(c) of the Board's Rules and Regulations, a request for review must be filed by electronically submitting (E-Filing) it through the Agency's web site ([www.nlr.gov](http://www.nlr.gov)), unless the party filing the request for review does not have access to the means for filing electronically or filing electronically would impose an undue burden.** To E-File the request for review, go to [www.nlr.gov](http://www.nlr.gov), select E-File Documents, enter the NLRB Case Number, and follow the detailed instructions.<sup>4</sup> If not E-Filed, the request for review should be addressed to the Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570. A party filing a request for review must serve a copy of the request on the other parties and file a copy with the Regional Director. A certificate of service must be filed with the Board together with the request for review.

Neither the filing of a request for review nor the Board's granting a request for review will stay the election in this matter unless specifically ordered by the Board. If a request for review of a pre-election decision and direction of election is filed within 10 business days after issuance of the decision and if the Board has not already ruled on the request and therefore the issue under review remains unresolved, all ballots will be impounded. Nonetheless, parties retain the right to file a request for review at any subsequent time until 10 business days following final disposition of the proceeding, but without automatic impoundment of ballots.

---

<sup>4</sup> On October 21, 2019, the General Counsel issued GC Memorandum 20-01, informing the public that Section 102.5(c) of the Board's Rules and Regulations mandates the use of the E-filing system for the submission of documents by parties in connection with the unfair labor practice or representation cases processed in Regional offices. The E-Filing requirement went into immediate effect on October 21, 2019, and the 90-day grace period that was put into place expired on January 21, 2020. Parties who do not have necessary access to the Agency's E-Filing system may provide a statement explaining the circumstances, or why requiring them to E-File would impose an undue burden.

Rush University Medical Center  
Case 13-RC-272731

Dated: March 16, 2021

*/s/ Paul Hitterman*

---

Paul Hitterman, Acting Regional Director  
National Labor Relations Board, Region 13  
Dirksen Federal Building  
219 South Dearborn Street, Suite 808  
Chicago, Illinois 60604-2027