

**STATE OF MICHIGAN
EMPLOYMENT RELATIONS COMMISSION
LABOR RELATIONS DIVISION**

In the Matter of:

WEST SHORE HOSPITAL,
Public Employer

-and-

NURSES FOR NURSES ASSOCIATION,
Petitioner-Labor Organization

-and-

**SERVICE EMPLOYEES INTERNATIONAL UNION,
LOCAL 79, AFL-CIO**
Incumbent Labor Organization

Case No. R98 D-56

APPEARANCES:

For the Employer: Plunkett, Cooney, by Stanley C. Moore, III, Atty.

For the Petitioner: Amberg, McNenly, Zuschlag, Firestone & Lee, P.C., by Teresa A. Killeen, Atty.

For the Incumbent: Yasmin J. Abdul-Karim, Atty.

DECISION AND DIRECTION OF ELECTION

Pursuant to Section 12 of the Public Employment Relations Act (PERA), 1965 PA 379, as amended, MCL 423.212, MSA 17.455(12), this case was heard at Lansing, Michigan on June 17, 1997, before Julia C. Stern, Administrative Law Judge for the Michigan Employment Relations Commission. Pursuant to Section 13 and 14 of PERA, and based on the record received on July 9, 1998, including the stipulation of the parties, the Commission finds as follows:

The Petition, Positions of the Parties, and Stipulation as to Unit:

This petition was filed on April 28, 1998 by the Nurses for Nurses Association. Petitioner seeks to represent an existing bargaining unit of registered nurses currently represented by the Incumbent Service Employees International Union, Local 79, AFL-CIO. At the hearing the Incumbent indicated that it objected to an election being conducted in this case because it had information that Petitioner had obtained its showing of interest through fraud and misrepresentation. Incumbent was informed that this issue could not be litigated in the context of a representation case. Incumbent was informed that if it wished to raise this issue it should file an unfair labor practice

charge.

No other issues were raised at the hearing. The parties stipulated at the hearing to the unit description as set forth below.

Order Directing Election

We find that a question concerning representation exists under Section 12 of PERA, and we direct an election in the following unit which we find, pursuant to the parties' stipulation, to be appropriate for purposes of collective bargaining:

All full-time and regular part-time registered nurses, including graduate and Baylor nurses, employed by the West Shore Hospital and included in the bargaining unit currently represented by the Service Employees International Union, Local 79, AFL-CIO; but excluding the director of nurses, supervisory nurses, utilization review nurses, patient education coordinator, in-service coordinator, and all other employees.

Pursuant to the attached Direction of Election, the above employees shall vote whether they wish to be represented by the Nurses for Nurses Association, by the Service Employees International Union, Local 79, AFL-CIO, or by neither labor organization.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

Maris Stella Swift, Commission Chair

Harry W. Bishop, Commission Member

C. Barry Ott, Commission Member

Dated: _____