

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

In the Matter of:

UNIVERSITY OF MICHIGAN,
Public-Employer,

-and-

Case No. R00 A-1

INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL 547,
Petitioner.

APPEARANCES:

David Masson, Esq., Office of the General Counsel, University of Michigan, for the Public Employer

Korney & Heldt, by J. Douglas Korney, Esq., for Petitioner

DECISION AND ORDER

Pursuant to the provisions of Section 12 of the Public Employment Relations Act (hereafter **APER**A@), 1947 PA 336, as amended by 1965 PA 379 and 1973 PA 25, MCL 423.212; MSA 17.455 (12), this matter came on for hearing at Detroit, Michigan, on March 2, 2000, before Nora Lynch, Administrative Law Judge for the Michigan Employment Relations Commission. Based upon the entire record, including briefs filed by the parties on or before July 19, 2000, the Commission finds as follows:

The Petition:

In the petition filed on January 4, 2000, the International Union of Operating Engineers (hereafter **IUOE**@), Local 547, seeks to represent a bargaining unit consisting of hospital medical transcriptionists employed by the University of Michigan at its Arbor Lakes site and/or those hospital medical transcriptionists who are home-based. The Employer asserts that the petition should be dismissed on the ground that the unit sought is a fragment of a larger unit and that it shares a community of interest with that larger group.

Facts:

The University of Michigan consists of campuses at Ann Arbor, Dearborn, and Flint, as well as the medical campus, University Hospital. Employees at all locations are subject to the authority of the University President and the Board of Regents. There are currently seven labor organizations

representing University employees. With the exception of the House Officers Association, representing physician residents at the medical campus, these organizations represent job classifications at all University campuses.

The Office of Human Resources and Affirmative Action administers and monitors University policies regarding personnel and employee relations and manages the University's job classification system. This system is applicable to all campuses and classifies employees with similar skills, duties, and qualifications into job families. The four job families in the University system are: professional/administrative; office; technical; and service/maintenance. The office job family consists of approximately 4,000 employees in 150 classifications, all requiring secretarial, clerical, and transcription skills.¹ The medical transcriptionists at issue here have been placed in the office job family. Other job titles within this family include medical secretary, patient account clerk, office assistant, and technical typist. Employees in the office job family are subject to the same work rules and receive the same benefits.

There are approximately 65 medical transcriptionists employed by the University. The largest group of medical transcriptionists, approximately 46, are employed at the Medical Information Services Department (hereafter AMIS@), formerly Medical Records, of the University Hospital. There are also medical transcriptionists employed in the dermatology clinic, radiology, and other clinics and units. MIS is responsible for the handling and processing of medical records. MIS employees are currently located in several different areas, but plans are underway to consolidate operations in one building near the medical campus. The department is made up of the following divisions or units: coding; medical word processing; record analysis and completion; record management; and ambulatory records. Employees in these units complete, process, and deliver medical records.

Requirements for the position of medical transcriptionist include a high school diploma, completion of a course in medical terminology or equivalent experience, ability to type 60 words per minute with accuracy, and ability to use dictating equipment. There is a six-month to one year on the job training period. Medical transcriptionists utilize a computerized dictation system. They are assigned an identification number to enter the system and receive assignments. Medical transcriptionists type a variety of documents which could include discharge summaries, operative notes, history and physicals, physician letters and notes. The dictation may be from physicians, physician assistants, nurse practitioners, or social workers, and comes from all departments at the hospital with the exception of radiology and pathology. MIS medical transcriptionists report to the same supervisor and communicate with her daily through e-mail. Any necessary corrections to the documents typed by the medical transcriptionists are made by other clerical staff. Classifications which also perform medical transcription work include medical secretaries II and III and academic secretary III.

¹ A bargaining unit of employees in the office job family was represented between 1974 and 1976 by the UAW. After decertification of the UAW, several other attempts to organize this group failed.

Due to the computerization of the system, as well as the nature of their assignments, medical transcriptionists in MIS have the option of working at home, provided that they meet quality standards established by management. They also work at the Arbor Lakes facility. Other individuals in the office job family, such as secretaries and office assistants, are also stationed at the Arbor Lakes site. Medical transcriptionists work a 40 hour week and are permitted to utilize flex time. Medical transcriptionists are paid an incentive or production rate, with their salary being determined by their productivity or line rate. Certain other University office employees also participate in similar incentive programs.

Discussion and Conclusions:

Petitioner argues that the medical transcriptionists are a distinct group sharing a community of interest different from other employees of the University. According to Petitioner, this uniqueness is demonstrated by their expertise in medical language and health care documentation, their common supervision, and their different salary structure. The Employer asserts that Petitioner has failed to substantiate its claim that the medical transcriptionists have a different community of interest from other job office employees, or from the other 19 medical transcriptionists employed by the University. The Employer contends that the medical transcriptionists perform similar duties and work as part of an integrated effort which may involve many office job family employees. Since Petitioner improperly seeks a fragment of the appropriate unit of office employees, the Employer maintains that the petition should be dismissed.

In determining appropriate bargaining units, our primary objective has consistently been to constitute the largest unit which, under the circumstances of the case, is most compatible with the purposes of the law and includes in a single unit all common interests. *Covert Public Schools*, 1997 MERC Lab Op 594, 601; *Hotel Olds v Labor Mediation Board*, 333 Mich 382 (1952). Application of this policy minimizes the fragmentation of units and prevents units based on the extent of organization. *Bay Area Transportation Auth*, 1995 MERC Lab Op 154,158. As a general rule, we have found that secretarial/clerical employees share a community of interest and constitute a presumptively appropriate bargaining unit. *Waverly Comm Sch*, 1989 MERC Lab Op 819, 821; *City of Wayne*, 1986 MERC Lab Op 200, 204. Absent special circumstances, we have refused to find appropriate a fragment of an overall group of employees who share a community of interest. *City of Detroit*, 1969 MERC Lab Op 217; *C S Mott Comm College*, 1979 MERC Lab Op 991. Moreover, in other cases involving this Employer, we have held that to limit a bargaining unit to one campus would unduly fragmentize the unit. *Univ of Michigan*, 1997 MERC Lab Op 635, 646; *Univ of Mich*, 1993 MERC Lab Op 479.

Applying the above precedent to the instant case, it is obvious that the unit sought by Petitioner is not appropriate. The medical transcriptionists are part of the larger office job family at the University, which includes other employees in secretarial-clerical classifications with similar skills and working conditions. Furthermore, Petitioner does not even seek to represent all medical transcriptionists, but only those in a particular department. No evidence has been introduced which

would establish a separate community of interest for these employees. The factors relied upon by Petitioner, such as the fact that medical transcriptionists have a distinct classification, a unique salary structure based on an incentive program, and are allowed to work at home, are not sufficient to distinguish these employees from other secretarial/clerical employees at the University, many of whom work with medical terminology and medical records.

Based upon the above discussion, we find that the Petitioner seeks an inappropriate unit and that the petition must be dismissed. We therefore enter the following order:

ORDER

It is hereby ordered that the petition filed by the International Union of Operating Engineers, Local 547 in Case No. R00 A-1 be dismissed.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

Maris Stella Swift, Commission Chair

Harry W. Bishop, Commission Member

C. Barry Ott, Commission Member

DATED: