

STATE OF MICHIGAN
EMPLOYMENT RELATIONS COMMISSION
LABOR RELATIONS DIVISION

In the Matter of:

UNIVERSITY OF MICHIGAN,
Public Employer,

MERC Case No. R18 G-051

-and-

TEAMSTERS LOCAL 214,
Petitioner-Labor Organization.

APPEARANCES:

Office of the Vice-President & General Counsel, by David J. Masson, Senior Associate
General Counsel and Chief Litigation Counsel, for the Respondent

Dwight Thomas, Business Agent, for the Petitioner

**DECISION AND ORDER ON
PETITION FOR REPRESENTATION ELECTION**

This case arises from a petition for representation election filed by Teamsters Local 214 against the University of Michigan.¹ Pursuant to Section 12 of the Public Employment Relations Act (PERA), 1965 PA 379, as amended, MCL 423.212, the petition was assigned for hearing to David M. Peltz, Administrative Law Judge (ALJ) for the Michigan Administrative Hearing System.² Based upon the entire record, including the transcript of the evidentiary hearing held in Detroit, Michigan on November 1, 2018, exhibits and post-hearing briefs filed on or before January 4, 2019, the Commission finds as follows:

The Petition and Positions of the Parties:

Petitioner seeks to represent a residual bargaining unit consisting of all Guest Services Specialists and Guest Services Coordinators employed by the University of Michigan. The positions sought by the Union are employed by the University at its hospitals and clinics, as well as at various facilities located throughout the University's Ann Arbor campus. The Employer asserts that the petition should be dismissed because the unit sought

¹ The petition identified the employer as "University of Michigan/C.S. Mott Hospital." The parties have since clarified that the University of Michigan employs all of the positions at issue in this matter, including employees of the University of Michigan Health System, and that the positions sought are not confined to C.S. Mott Hospital.

² MAHS Docket No. 18-015841.

by Teamsters Local 214 is a fragment of a larger unit with whom the Guest Services Specialists and Guest Services Coordinators share a community of interest. The other positions which allegedly make up this residual unit were identified by the University at hearing as Patient Services Assistant, Patient Services Associate, Patient Services Intermediate and Patient Services Senior.³

Findings of Fact:

I. Guest Services Employees

The University employs four Guest Services Coordinators and approximately 91 Guest Services Specialists. The Guest Services Coordinators are lead employees who direct the work of the Guest Services Specialists. All four of the Guest Services Coordinators and approximately 80 Guest Services Specialists are assigned to the University's Department of Public Safety and Security (DPSS). Approximately eleven Guest Services Specialists are employed in the Entrance Services Department of the University of Michigan Health System (alternatively referred to by the parties and in exhibits as "UMHS" or "Michigan Medicine").

Regardless of location, the minimum qualifications for the Guest Services Specialist position are the same. Guest Services Specialists are required to have a high school diploma and some customer service experience. Approximately 25 to 30 percent of Guest Services employees have a security background, though it is not required for the position. The average annual salary for a Guest Services Specialist is \$33,956.37.⁴ All Guest Services Specialists receive training in MiChart, a computer database utilized at Michigan Medical facilities. They also receive mandatory training in matters such as UMHS compliance, patient safety, fire safety hazard communications, UMHS critical incident and UMHS stroke education.

Although all Guest Services Specialists are primarily responsible for serving as the first point of contact for individuals entering University facilities, Guest Services Specialists assigned to DPSS have slightly different duties than those employed at facilities operated by Michigan Medicine, as described in detail below.

A. Guest Services Specialists – DPSS

Guest Services Specialists within DPSS are part of a separate Guest Services division within that department. A majority of Guest Services Specialists assigned to the Guest Services division of DPSS work at hospitals and clinics operated by Michigan Medicine, including C.S. Mott Children's Hospital, Taubman Library, the Kellogg Eye Center, the Brighton Health Center and the West Ann Arbor Clinic. Although these employees are assigned to DPSS, they report directly to Michigan Medicine work locations and are subject to UMHS rules and regulations.

³ In a position statement filed with the Commission's elections officer, the employer also referenced Patient Registration Specialist and Unit Host positions as being part of the larger residual unit. However, no evidence was introduced at hearing regarding these other positions, nor are they referenced by the University in its post-hearing brief.

⁴ No evidence was presented regarding compensation for the Guest Services Coordinator position.

Approximately 65 Guest Services Specialists assigned to DPSS work at C.S. Mott Children's Hospital (Mott) where their primary duty is to "verify, identify and direct" patients and visitors who are entering the facility. Guest Services Specialists working at the hospital are responsible for ensuring that every individual attempting to enter the facility has a legitimate reason to be there. This includes examining and scanning drivers' licenses and checking MiChart, a computer database containing patient information which is utilized throughout Michigan Medicine facilities. Guest Services Specialists use MiChart to verify a patient's appointment, but they do not actually input any information into the system other than noting a request for a particular service such as a wheelchair.

Guest Services Specialists at Mott also conduct a health screening which consists of asking the patient or visitor a series of questions to ascertain whether that individual has certain symptoms, such as a cough, cold, flu, or whether they have recently traveled outside the country. For children, the Guest Services Specialists attempt to procure an immunization history. If a patient or visitor indicates that they currently have a symptom, the Guest Services Specialist will provide that individual with a mask and notify other staff members of the situation. After the patient or visitor has been checked in, the Guest Services Specialist creates a visitor pass using the FAST-PASS software system and then provides that individual with directions to the appropriate location within the facility, a function referred to by the parties as "wayfinding." Guest Services Specialists are the only employees within the hospital who utilize the FAST-PASS badging system.

When screening a patient or visitor at Mott, the Guest Services Specialist will check whether that individual's name is on the hospital's "be on the lookout" list of persons who are restricted from entering the premises. Security personnel and nurses also have access to that list. If an individual entering the hospital presents a security concern or causes a problem, the Guest Services Specialist will notify a supervisor or contact a security officer directly. Guest Services Specialists have no authority to make an arrest, detain any individual patient or visitor or search packages. If a patient or visitor exhibits a symptom but refuses to wear a mask, the Guest Services Specialist will call the appropriate clinic and warn the staff members assigned to that location. In the event of an infant abduction, every employee within the hospital, including Guest Services Specialists, have specific tasks assigned to them. The role of the Guest Services Specialist is to remain at the front desk and make sure that nobody is attempting to leave the premises with a baby. If that situation were to occur, the Guest Services Specialists would notify security personnel.

Guest Services Specialists assigned to Mott are trained on using the MiChart patient database, and they receive instruction on matters such as first aid, non-violent crisis intervention and emergency evacuation. They also take Federal Emergency Management Agency (FEMA) training courses. Guest Services Specialists assigned to the hospital wear security radios with ear pieces so that they can keep apprised of issues such as unruly visitors, individuals who are violating University policies and infant abductions. Security officers carry radios which are on the same channels as those used by the Guest Services Specialists. There are also video screens at the front desk and at other locations which allow the Guest Services Specialists to monitor security cameras in use throughout the hospital. They regularly perform "floor walks" of the facility during the night shift and while they are on break during the day shift. Although it is not a regular part of their job, Guest Services

Specialists may utilize the hospital's paging system as necessary to contact appropriate staff. Guest Services Specialists are required to wear uniforms while on the job.

Guest Services Specialists worked at Mott even before that facility opened to the public. For a six-month period while the hospital was under construction, Jeffrey Rourk, a Guest Services Specialist within DPSS, was assigned to Mott where his primary duty was controlling access to the building. If a visitor did not have the appropriate badge, he or she would stop at the front desk and a Guest Services Specialist would cross-reference that individual's name with a list of approved visitors. Rourk also ran tours and walkthroughs of the facility and was responsible for making sure that the hospital doors were secure.

As noted, Guest Services Specialists within DPSS are assigned to other clinics and health care facilities besides Mott, as well as to various locations throughout the University's Ann Arbor Campus which are not specifically associated with Michigan Medicine. Like their counterparts at Mott, Guest Services Specialists employed at the Brighton Health Center and within other off-site health clinics operated by Michigan Medical are responsible for greeting visitors, providing directions, verifying appointments and monitoring security radios, but they do not conduct health screenings. One off-site clinic has video cameras which are monitored by Guest Services Specialists.

Guest Services Specialists working at the North Campus Research Complex (NCRC) are responsible for verifying that every individual on the premises is either a staff member or that they are at the facility for some other reason, such as attending a conference. The Hatcher Library has Guest Services Specialists assigned to work as an extension of the circulation desk. They perform walk-throughs of areas within the library and work with the circulation desk staff regarding any minor issues which might arise. In the event of a serious issue occurring at the Hatcher Library, the Guest Services Specialist will contact dispatch and have them send over security personnel or police to the facility. Guest Services Specialists perform similar functions at the Hatcher-Shapiro Library and the Duderstadt Center. According to Rourk, Guest Services Specialists assigned to night shifts at the libraries send security reports at the completion of their shifts.

In addition to their normal duties, Guest Services Specialists within DPSS are routinely assigned to staff a child identification program at sporting events held at Michigan Stadium, including University of Michigan football games. At these events, approximately ten Guest Services Specialists provide wristbands to children which contain the phone number of the child's parents. If the child becomes lost during the sporting event, the Guest Services Specialists are responsible for keeping a lookout from their assigned location and notifying dispatch if they spot the child.

B. Guest Services Specialists – Entrance Services

There are approximately eleven Guest Services Specialists who are part of the Entrance Services Division of the Logistics and Support Department of Michigan Medicine. They serve as the first point of contact for the public at three locations: (1) the Taubman Center; (2) the Taubman Link – an area which connects the Taubman Center to Mott; and (3) the Cardiovascular Center. Like their DPSS counterparts, the Guest Services Specialists within Entrance Services look up patient names in MiChart, create visitor badges and

perform wayfinding functions. They also provide badges and assistance to vendors who are entering the facility. Guest Services Specialists within Entrance Services do not conduct visitor health screenings, nor do they carry security radios, monitor video cameras or staff the child identification program at Michigan Stadium.

II. Patient Services Employees

There are approximately 1,300 employees working in the Patient Services job series which consists of four classifications: Patient Services Assistant, Patient Services Associate, Patient Services Intermediate and Patient Services Senior. They are all employees of Michigan Medicine. Patient Services positions exist within 148 outpatient clinics, including facilities at the Taubman Center, the Cancer Center and various standalone health centers and clinics. Patient Services employees work in some of the same facilities as Guest Services Specialists such as Mott and the Brighton Health Center.

As employees of Michigan Medicine, individuals working in the various Patient Services positions receive paid time off benefits which differ from those available to Guest Services Specialists. The average salary for employees within the Patient Services Assistant classification is \$33,697.50 per year. Patient Services Associates average \$37,414.25 annually, while Patient Services Intermediates earn an average of \$40,228.82 per year. The average annual salary for individuals employed in the Patient Services Senior position is \$44,031.94.

A high school diploma or general education diploma (GED) is required for all four Patient Services classifications. The qualifications for Patient Services Assistant, and Patient Services Associate are essentially identical other than the fact that additional experience is required for the latter classification. The Patient Services Intermediate position requires three to four years of experience, including knowledge of basic medical terminology, prior experience performing complex scheduling, familiarity with medical records and financial counseling for health care patients. Five or more years of experience is required for the Patient Services Senior position, including basic knowledge of medical terminology, a demonstrated ability to lead a team or project, experience facilitating and coordinating a patient's continuum of care, as well as identifying and recommending appropriate resources. In addition, a bachelor's degree in social work, business administration or a related field is considered a "desired qualification" for the Patient Services Senior position. Patient Services employees receive mandatory training in matters such as critical incident review, disaster/emergency management and fire safety, hazard communications, patient safety, UMHS compliance, stroke education and waste system management.

No Patient Services employees were called to testify at the hearing in this matter. Rather, evidence regarding the duties and responsibilities of the various Patient Services positions consisted primarily of written job descriptions introduced by the parties as joint exhibits and the testimony of Pamela Quinlivan, a human resources business partner for Michigan Medicine. Quinlivan created the Patient Services job series in collaboration with the Chief Operating Officer of the University of Michigan Medical Group. According to Quinlivan, the duties of the Patient Services Assistant and Patient Services Associate positions consist primarily of checking-in patients using MiChart and conducting health

screenings of visitors similar to the screenings performed by the Guest Services Specialists. In addition, Patient Services Assistants and Patient Services Associates verify insurance information and print out any paperwork which a patient might need for his or her appointment. At the conclusion of the visit, Patient Services Assistants and Associates will determine if a co-pay is owed, whether another appointment is needed and if a referral needs to be generated. Although Patient Services Assistants and Associates are given active shooter and "run-hide-fight" training, they are not required to take any self-defense classes, nor are they assigned security radios. If they witness an argument or disruption at a facility, Patient Services Assistants and Associates will contact security personnel.

There are 337 employees working in the Patient Services Assistant position. According to the Patient Services Assistant job description, the primary duty of the position is to act as a "check-in or check-out clerk." Detailed duties include the following: receive and assist patients, visitors and staff; schedule patient appointments; monitor waiting area activity to ensure a clean, organized and safe environment; promote personal comfort and convenience of patients and families by routinely checking on their needs; provide information regarding hospitals and community services; process and compile patient paperwork for exams and clerical staff; answer incoming phone calls and triage to the appropriate location; take and forward phone messages; call patients to remind them of upcoming appointments; utilize the paging system to contact staff; and prepare patient itinerary and other appropriate correspondence.

The University employs 540 individuals as Patient Services Associates. Patient Services Associates are expected to execute the functions of a Patient Services Assistant, as well as perform "some telephone triage and administrative support." Detailed duties identified in the job description include: schedule patient appointments; manage pre-arrival functions to ensure that all necessary information has been obtained for clinic visits; serve as a resource for physicians and other staff, patients and third parties for insurance authorizations and other managed care related issues; respond to patient inquiries related to special requirements of insurance plans and direct patients to insurance carriers as necessary to address questions; assist patients with payment questions, collect payments, co-pays and past due balances at checkout; reconcile clinic cash collections and credit card transactions daily; ensure completeness of visit information, including type of visit, reason for service, charge for service and diagnostic codes for processing charges; and participate in creating efficient patient flow by coordination with other staff.

There are 349 individuals employed in the Patient Services Intermediate position. The job description for Patient Services Intermediate states that the position is "[m]ost likely held by an experienced Patient Services Associate that has shown the ability to function at a high level." The duties of the Patient Services Intermediate include the following: work with physicians on adherence to surgery scheduling procedures; manage phone calls from internal and external customers related to surgery; coordinate with other department schedulers to optimize the use of service block time at operating rooms across the health system; enter codes into the scheduling system to permit the business team to identify patient financial liability; serve as a representative of the surgery scheduler team/role on various committees and workgroups; maintain responsibility for MiChart grids; obtain proper insurance address and documentation to ensure that charges are correct; develop, along with lead or supervisor and scheduler colleagues, standard work; manage

daily work queues; and obtain insurance approvals using established insurance company guidelines.

As of the date of the hearing, there were 87 individuals employed as Patient Services Senior. According to the job description, the position provides “self-management support, care management and care coordination for patients with complex illnesses to optimize the patient’s health status” or “coordinates the work of the others and is the lead of a group of three or more PSA’s.” Detailed duties of the position include: coordinate the daily functional supervision for the clerical team; provide interpretation and instruction for policies, procedures and practices; maintain work schedules, review timesheets for accuracy and assist with performance evaluations for other clerical team members; provide in-service training and onboarding for new clerical staff; participate with the leadership team to ensure effective clinical operations; promote and facilitate positive communication with the entire health care team; lead team huddles; screen new patients for navigation services; provide support, education and guidance to a patient throughout their continuum of care; proactively build relationships with patients by regular contact with them in order to assist in identifying barriers to care; assist patients by navigating them through the “complex logistics” of the health system; and identify and recommend appropriate resources.

III. Interchange Between Guest Services and Patient Services

Ellen Looker was hired by the University as a Patient Services Senior in the interpreter program in March of 2017. In December of that year, she transferred to a Guest Services Specialist position in the School of Dentistry. Looker was later promoted to Guest Services Coordinator.

Sylvia Lang was initially hired by the University as a Patient Services Associate in the Department of Ophthalmology. When another staff member was required to go out on an extended medical leave, Lang took over the job on a semi-permanent basis. Thereafter, an issue arose concerning whether Lang was actually performing the job functions of a Guest Services employee. Following a review by the University’s human resources department, Lang’s position was reclassified as Guest Services Specialist in January of 2018. The change in title did not affect Lang’s salary, which remained at \$36,190.68 per year. At the hearing in this matter, Quinlaven described the work that Lang was performing at the time of the reclassification as a “hybrid” of the Patient Services Associate and Guest Services Specialist positions.

Discussion and Conclusions of Law:

Petitioner contends that the Guest Services Coordinators and Guest Services Specialists constitute a distinct group sharing a community of interest different from other employees of the University. According to Petitioner, Guest Services Coordinators and Guest Services Specialists essentially function as security personnel, whereas employees in the Patient Services job series are responsible for checking in patients who arrive at the hospital or other University facilities for medical appointments. The Employer argues that the petition should be dismissed because the Union improperly seeks a fragment of a larger residual unit consisting of Guest Services Coordinators, Guest Services Specialists and

positions within the Patient Services job series, particularly Patient Services Assistant and Patient Services Associate. According to the Employer, the positions all perform essentially the same duties, have similar job requirements, comparable salaries and receive training in many of the same subject areas. For these reasons, the Employer contends that a community of interest exists between the Guest Services Coordinators, Guest Services Specialists and Patient Services employees.

A primary objective of the Commission is to constitute the largest unit which, in the circumstances of the particular case, is most compatible with the effectuation of the purposes of the law, and which includes within a single unit all employees sharing a community of interest. *Hotel Olds v State Labor Mediation Bd*, 333 Mich 382 (1952). We determine whether a community of interest exists by examining a number of factors, including: similarities in duties, skills, and working conditions; similarities in wages and employee benefits; amount of interchange or transfer between groups of employees; centralization of the employer's administrative and managerial functions; degree of central control of labor relations; common promotion ladders; and common supervision. See e.g. *Covert Pub Sch*, 1997 MERC Lab Op 594, 601; *Grand Rapids Pub Sch*, 1997 MERC Lab Op 98, 106. Part of our rationale in applying the long-standing principle of *Hotel Olds*, to constitute the largest unit of employees sharing a community of interest, is to minimize the fragmentation of units and prevent units based on the extent of organization. *Bay Area Transp Auth*, 1995 MERC Lab Op 154, 158. Additionally, the *Hotel Olds* policy also serves to maximize the size of the unit and avoid multiplicity of bargaining units. *Port Huron Sch Dist*, 1995 MERC Lab Op 314.

We agree with the Employer that the instant petition is not appropriate because the unit of Guest Services employees proposed by Teamsters Local 214 represents a fragment of a larger residual unit which includes positions within the Patient Services job series. Although employees within each classification group do not all have precisely the same duties and responsibilities, they generally function as the initial point of contact for patients and visitors to hospitals, clinics and other University facilities, including facilities operated by Michigan Medicine. Most Guest Services employees and all Patient Services Assistants and Associates are responsible for greeting individuals as they enter the premises, interacting with them to make sure they have a reason to be at a particular facility, verifying medical appointments using MiChart and providing wayfinding services. All Patient Services employees and most Guest Services Specialists conduct health screenings to ensure that patients and visitors entering hospitals and medical clinics do not have the flu or other health conditions. Employees in Guest Services and Patient Services classifications are also responsible for monitoring their respective work areas to ensure that the facilities are safe for visitors.

In addition to the fact that the Guest Services Coordinator and Guest Services Specialists perform a similar function as positions within the Patient Services classification group, the record establishes that there is a similarity in qualifications, training, working conditions and pay, and that there has been interchange between the position groups. The main qualifications for the Guest Services Specialist position are a high school diploma and customer service experience. Similarly, a high school degree or GED is the only educational requirement for positions within the Patient Services job series. Both Guest Services and Patient Services employees are trained to use MiChart and positions within both

classification groups receive mandatory training in matters such as UMHS compliance, infection prevention, patient safety, fire safety, UMHS critical incident and stroke education. All Patient Services employees and most Guest Services employees are assigned to work in hospitals and other facilities operated by Michigan Medicine. The average rate of pay for Guest Services Specialists is \$33,956.37. The average salary for employees in the Patient Services job series is \$38,907.84. The entry level position, Patient Services Assistant, averages \$33,697.50 per year. Patient Services employees work in some of the same facilities as Guest Services Specialists, and the record indicates that there has been at least some interchange between the two classification groups. Sylvia Lang's position was reclassified from Patient Services Associate to Guest Services Specialist in early 2018, while Ellen Looker recently transferred from her position as a Patient Services Senior in the interpreter program to a Guest Services position in the School of Dentistry.

There is no dispute that the duties of the Guest Services Coordinator and Guest Services Specialist differ in some degree from the tasks assigned to employees in the Patient Services classification group. Patient Services Assistants and Associates are responsible for verifying insurance information, printing out paperwork and collecting co-pays. Although the record contains little evidence regarding the duties of the Patient Services Intermediate and Senior positions, it appears from the job descriptions that these positions require expertise in medical terminology and health care documentation which is not required of any Guest Services employees. Certain positions within the Guest Services classification group work at University football games and other sporting events providing bracelets to children, whereas no Patient Services employees are assigned that task. Petitioner contends that these differences establish that Guest Services is a distinct classification group for purposes of Section 12 of PERA. We disagree. The fact that employees have different job duties or functions does not necessarily mean that they lack a community of interest. *MEA v Alpena Cmty Coll*, 457 Mich 300, 306 (1998); *Covert Pub Sch*, supra.

We also reject the Petitioner's contention that the position groups at issue in this matter lack a community of interest because the Guest Services Coordinators and Specialists are security personnel. Although some Guest Services Specialists carry security radios, check doors and monitor surveillance cameras, the record establishes that they do not function in a police or law enforcement capacity. They have no authority to make an arrest, detain a patient or visitor or search packages. If a patient or visitor becomes unruly or some other situation arises which requires the intervention of law enforcement, Guest Services Specialists are instructed to contact their supervisor, the police or security officers. We have previously placed positions with similar limited security duties in broader bargaining units of employees. *Beecher Cmty Sch Dist*, 1995 MERC Lab Op 174 (school support unit clarified to include security aides who perform guard-type functions). See also *Schoolcraft College*, 1970 MERC Lab Op 719.

For the above reasons, we conclude that a bargaining unit consisting only of Guest Services Coordinators and Specialists would constitute a fragment of a larger residual unit of employees, including Patient Services Assistant and Patient Services Associate. Accordingly, we hereby issue the following order.

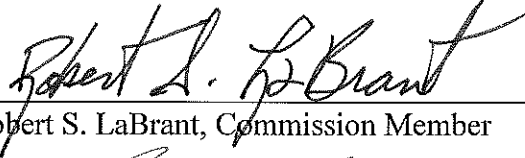
ORDER

The petition for representation election filed by Teamsters Local 214 against the University of Michigan in Case No. R18 G-051 is hereby dismissed in its entirety.⁵

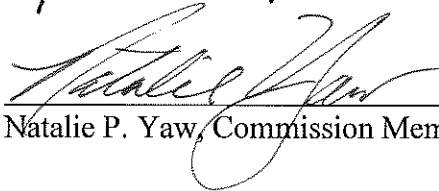
MICHIGAN EMPLOYMENT RELATIONS COMMISSION



Edward D. Callaghan, Commission Chair



Robert S. LaBrant, Commission Member



Natalie P. Yaw, Commission Member

Issued: APR 02 2019

⁵ In certain cases involving petitions for bargaining units which are too narrow, we have directed an election and given the petitioner additional time after the date of the direction of election to indicate whether it was interested in participating in an election in the expanded unit and an opportunity to proffer an additional showing of interest. See e.g. *City of Detroit (Project Assistant)*, 1973 MERC Lab Op 282; *City of Holland (Bd of Pub Works)*, 1982 MERC Lab Op 1638. However, we do not believe that it would be appropriate to direct an election here given that there are approximately 1,300 employees working in the Patient Services job series.