

The Toledo Hospital and Teamsters, Chauffeurs, Warehousemen and Helpers Union, Local No. 20 International Brotherhood of Teamsters, AFL-CIO, Petitioner. Case 8-RC-14711

September 30, 1993

DECISION ON REVIEW

BY CHAIRMAN STEPHENS AND MEMBERS
DEVANEY AND RAUDABAUGH

The National Labor Relations Board has carefully considered the Employer's request for review of the Regional Director's Decision and Direction of Election (pertinent portions are attached), as well as the Petitioner's opposition brief. Having examined the relevant portions of the record, we have decided to grant the Employer's request for review and reverse the Regional Director with respect to his exclusion of biomedical technologists and telecommunications technicians from the skilled maintenance unit found appropriate; to permit employees in certain classifications to vote under challenge; and to deny review with respect to the Regional Director's exclusion of certain other classifications from the skilled maintenance unit but to modify his rationale.

The Employer operates an acute care hospital. The Petitioner, citing the Board's Health Care Rule (54 Fed.Reg. 16336, 284 NLRB 1580 (1988)), sought a unit of all the Employer's skilled maintenance employees. The Regional Director included the following classifications, all in the Employer's maintenance and plant operations department, in the skilled maintenance unit found appropriate: plumber journeymen; carpenter journeymen; plasterer/painter journeymen; electrician journeymen; stationary engineers; HVAC journeymen; refrigeration mechanic journeymen; maintenance mechanic journeymen; maintenance mechanics; maintenance mechanic helpers; incinerator operators; groundskeepers; maintenance planners; and energy management engineers. There are approximately 70 employees in the unit found appropriate. Most of the unit employees are in the Employer's pay grades 10 and 12, while incinerator operators and groundskeepers are in pay grades 4 and 5, respectively. None of the maintenance department supervisors has any responsibility for employees outside the department.

In its request for review, the Employer contends that the Regional Director erred in excluding the following classifications from the skilled maintenance unit: inventory control coordinator and material handler in the maintenance department; certified biomedical engineering technologist, biomedical engineering technologist, and junior biomedical engineering technologist in the biomedical engineering department; telecommunications technician and lead telecommunications technician in the telecommunications department; technical

analyst and network analyst in the MIS department; hazardous waste transporter in the environmental services department; adaptive equipment technician in the physical medicine and rehabilitation department; senior offset technician, sign fabricator/reprographics repairman, camera technician, and finishing operator/inventory clerk in the reprographics department; radiology service specialist in the radiology/diagnostic imaging department; utilization technician and lead utilization technician in the anesthesia services department; and project manager in the engineering department. As indicated above, we find merit to certain of the Employer's arguments.

The certified engineering technologists (CBETs), biomedical engineering technologists (BETs), and junior biomedical technologist (JBET)¹ classifications work in the biomedical engineering department and report to the department manager. They repair equipment used for the treatment or monitoring of patients. Some of this type of equipment is maintained by the plant operations department, and some is maintained by the biomedical engineering department. The main work area for employees in the biomedical engineering department is in the basement of the main hospital building, which also houses the main work area for the plant operations department.

CBETs must have a bachelor's degree in applied physical or biological sciences plus at least 3 years of practical experience in electronics, or an associate's degree in electronics plus at least 5 years' experience. CBETs must also be certified. These employees repair equipment, train equipment operators, inspect new equipment, perform preventive maintenance, and modify equipment.

BETs must have a bachelor's degree with a strong background in electronics, or an associate's degree with at least 2 years' experience. Although not required to be certified, their job description states that they must be "certification eligible." Their duties are essentially the same as those of the CBETs.

The JBET is an entry level position requiring little or no experience. The JBET must have an associate's degree or academic equivalent. After working 1 year, the JBET is evaluated by the other technologists to determine if he or she is ready for promotion to BET.

Employees in biomedical engineering are paid according to a market pay scale which is different from the pay scale applicable to employees in the plant operations department. The market pay grade system permits pay ranges to fluctuate more frequently to reflect wages paid to employees in these classifications at other hospitals in order to keep these employees' pay more competitive. CBETs, BETs, and the JBET are in

¹At the time of the hearing, the JBET position was vacant as a result of the incumbent's recent promotion, but the Employer indicated that it intends to fill the position in the near future.

market grades which afford them wages comparable to those of plant operations department employees in grades 14, 11, and 10, respectively. Biomedical engineering employees sometimes work with employees from the plant operations department.

The Regional Director acknowledged that in *San Juan Medical Center*, 307 NLRB 117 (1992), the Board majority included biomedical technicians in a skilled maintenance unit even though the biomedical employees had more education, higher wages, and worked different hours from the maintenance employees, and had little interaction and no interchange with other employees included in the skilled maintenance unit. Further, the Regional Director noted that in *Faulkner Hospital*, 242 NLRB 47 (1979), a biomedical electronics technician was included in a skilled maintenance unit. The Regional Director distinguished *San Juan* because there the employer had placed the biomedical employees in the same department, under the same department manager as the traditional skilled maintenance employees (also the case in *Faulkner*), while here the Employer has placed biomedical technologists in a separate department under separate supervision. The Regional Director also relied on the Employer's use of a different pay scale for the biomedical technologists as further evidence of a lack of community of interest.

We do not agree with the Regional Director's exclusion of biomedical technologists from the skilled maintenance unit. Contrary to the Regional Director, we find that the Board's recent decision in *San Juan* is controlling. There is no dispute that the Employer's biomedical technologists perform the same type of skilled work on complex, sophisticated machinery as that performed by biomedical technicians in *San Juan*. That the Employer administratively placed these employees in a separate department, while perhaps a factor to be considered, is not a touchstone in determining their unit placement. See, e.g., *Jewish Hospital*, 305 NLRB 955 (1991), in which employees who were not part of the employer's maintenance department were nevertheless included in the skilled maintenance unit. Also, we note that in *San Juan* the biomedical technicians and maintenance mechanics, while part of the same department, did not share common immediate supervision. We find it likely that biomedical technologists and other classifications of employees are placed in various departments in different hospitals for a variety of reasons, not all of which necessarily relate to the employees' community of interest. Nor will the Board be bound by an employer's concept of community of interest. While, as the Regional Director notes, the Board in its rulemaking emphasized the frequent departmental and supervisory segregation of skilled maintenance employees, this involved an across-the-board unit scope determination, rather than a place-

ment determination once the appropriateness of a particular maintenance unit had been decided.

With regard to the differing pay scales, the BETs and the JBET earn wages comparable to those received by the Employer's traditional skilled maintenance employees. That CBETs earn somewhat more than most other employees included in the skilled maintenance unit, or that CBETs and BETs have higher educational job requirements than those other employees, does not require the exclusion of these classifications from the skilled maintenance unit. *San Juan Medical Center*, supra. Similarly, that biomedical technologists maintain and repair patient-related equipment, rather than plant equipment, does not, under precedent, warrant excluding them from the unit. *Id.* Accord: *Ingalls Memorial Hospital*, 309 NLRB 393 (1992). Accordingly, we find that CBETs, BETs, and the JBET must be included in the skilled maintenance unit.

We further find, contrary to the Regional Director, that the lead telecommunications technician and the telecommunications technician, both telecommunications department employees, properly are part of the skilled maintenance unit. These technicians install, maintain, and repair the Employer's telecommunications system, a sophisticated network involving a 4800-port, computer managed NEC telephone and voice-mail system. All connections, wiring, and equipment from the service entrance where trunk lines enter the hospital are the responsibility of the telecommunications department. The telecommunications technicians check telephones by taking them apart, replacing cables, replacing computer chips, and performing other repairs. The technicians also check the telephone lines; using generators, meters, oscilloscopes, and other electronic and hand tools, the technicians check the wiring system from the telephone through the jack, the terminal block, and the main distribution frame, back to the system computer. The technicians troubleshoot computer ports, circuit boards, and the software program. The technicians also install and move telephones, pulling cable between the jack and the main distribution center and computer.

The lead telecommunications technician is required to have a 2-year degree in electronic engineering, 5 years of PBX installation and maintenance experience, and current factory certification in two telephone systems. The telecommunications technician must have a high school degree, 5 years of installation and maintenance experience, and a current certification in one of the telephone systems. Both technicians are required to take continuing education courses as required by manufacturers' warranties and perform essentially the same job duties, although the lead technician does more installation work and the technician does more repair work.

These technicians have contact with employees from the plant operations department as they work together on various projects. For example, when telephone cable is run for a new installation, employees from the maintenance department install the telephone jack outlet box and conduit, while the technicians pull cable and make connections. The telecommunications department is located not far from plant operations.

As discussed above with respect to the biomedical technologists, the Employer's administrative organization of its telecommunications technicians into a separate department is not a significant factor in the Board's Director, the work performed by the telecommunications technicians does involve the repair and maintenance of the hospital's physical plant. The telephone system is an integral and necessary part of the physical plant, with cabling running through the walls. In addition, the job functions of the Employer's telecommunications technicians—maintenance and repair of complex, sophisticated hospital equipment—constitute skilled maintenance work. The education and skill requirements for these jobs further supports a finding that the telecommunications technicians properly are placed in the skilled maintenance unit.

Finally, contrary to the Regional Director, the contact between the Employer's telecommunications technicians and the maintenance operations employees when working together on telephone installations is the kind of contact which supports a finding of a shared community of interest. While of little weight here because of the lack of evidence regarding the frequency or length of such contacts, it is not like the passing contact between skilled maintenance employees and other hospital employees who happen to be in the vicinity or are pointing out needed repairs, which the Board found to be insignificant in the rulemaking. Hence, we shall include the lead telecommunications technician and the telecommunications technician in the skilled maintenance unit.

With regard to the Regional Director's exclusion of the inventory control coordinator and the material handler, we deny the Employer's request for review. In so ruling, we note that the Employer's administrative placement of these classifications within the plant operations department does not require their inclusion in the skilled maintenance unit, since their primary job functions do not include skilled maintenance work on hospital systems or equipment, and they are not apprentices or acting as assistants or helpers. See *Ingalls Memorial Hospital*, supra, in which a draftsman was excluded from a skilled maintenance unit when there was no ground for inclusion apart from the employer's administrative placement of the classification.

With some modification to his rationale, we also deny review of the Regional Director's exclusion of the following classifications from the skilled maintenance unit: hazardous waste transporters; adaptive equipment technician; senior offset technician; sign fabricator/reprographic repairman; camera technician; finishing operator/inventory clerk; utilization technician; and lead utilization technician. Contrary to the Regional Director's suggestion, however, we note that the Board will not exclude a classification from a skilled maintenance unit simply because the Employer administratively has placed that classification in a different department. *San Juan*, supra; *Ingalls*, supra. Similarly, employees who maintain, repair and operate complex, sophisticated equipment will not be excluded from a skilled maintenance unit solely because that equipment is not directly part of the physical plant. *Id.*

The hazardous waste transporters neither perform skilled maintenance work nor, as a regular job function, act as trainees, assistants or helpers to skilled maintenance employees. Their interaction with the maintenance mechanic, groundskeeper, and incinerator operator, all included in the skilled maintenance unit by the Regional Director,² is basically limited to the incinerator operator's occasionally helping transport and box the waste, and the transporter's occasionally assisting with yard work. Transporters may help maintenance mechanics do some general work, but there is no indication of the nature or frequency of this work. Based on these facts, we agree with the Regional Director's exclusion of this classification from the skilled maintenance unit.

The adaptive equipment technician (AET) designs, fabricates, maintains, and repairs "equipment" such as splints, slings, braces, and padding, used for patients in the physical medicine and rehabilitation department. On one occasion he worked with the maintenance planner to design and build a wheelchair. While the AET does not engage in direct patient care work, as did the excluded orthopedic technician in *Jewish Hospital*, the AET's work in fabricating and designing personal equipment requiring patient measurements is similar to the work of the excluded moldmaker in *Ingalls*. Hence, we find that the Regional Director properly excluded the AET.

With regard to the contested classifications in the reprographics department, the printer was properly excluded. See *Ingalls*, in which the Board excluded a printing pressman having skills, functions, and experience similar to that of the Employer's printer. The other classifications in the department—sign fabricator/reprographics repairman; camera technician; and

² The Board has not yet decided a case involving whether incinerator operators properly are included in a skilled maintenance unit, and no request for review was filed as to the Regional Director's inclusion of that classification in the instant case. Also, no request for review was filed with regard to the Regional Director's inclusion of the Employer's groundskeepers, although we note that the Board has excluded groundskeepers from skilled maintenance units in previous cases. *Ingalls*, supra; *Barnes Hospital*, 306 NLRB 201 (1992).

finishing operator/inventory clerk—all work on machinery which is unrelated to the hospital's physical plant or to other, complex hospital equipment. The sign fabricator/reprographics repairman works on equipment such as printing presses, bindery machines, camera equipment, cutters, folders, film and plate processors, and shrink wrap machines. Although this employee performs some repairs, normal maintenance, and quarterly preventive maintenance on the equipment, more complex repairs are contracted out. Also, that the maintenance mechanic and plasterer/painter occasionally help with sign installations does not require inclusion of the sign fabricator/reprographics repairman in the skilled maintenance unit. Pay comparable to that of the maintenance mechanic, a lower skilled unit employee, belies the Employer's contention that it views the sign fabricator/repairman job as highly skilled.

With regard to the camera technician and the finishing operator/inventory clerk, the Employer argues that the hearing officer erred in restricting the Employer to making offers of proof and not permitting a full evidentiary hearing. Based on the information contained in the offers of proof concerning these classifications, we find that the hearing officer's ruling did not constitute prejudicial error. These positions, on their face, are not skilled maintenance. The camera technician manufactures the printing plates for the pressman by making a negative and burning the negative onto a plate. The camera technician works with a horizontal camera, film processor, plate burner, and plate processor. This employee's maintenance functions include changing filters and bulbs, replacing rollers, and cleaning. The finishing operator/inventory clerk operates, maintains, and repairs bindery equipment, including a motorized papercutter, spindle drill and mechanized paperfolder. None of the equipment used by either classification relates to the hospital's physical plant or to "hospital-type" equipment, and the finishing operator's equipment is not complex. While these reprographic department positions require prior experience, neither requires special training or education beyond high school. Also, since the pressman and sign fabricator are excluded from the skilled maintenance unit, the camera technician's and finishing operator's assistance to the sign fabricator, the finishing operator/inventory clerk's cross-training in running the press, and the camera technician's cross-training in bindery operation, does not support inclusion of these classifications. Finally, as indicated above, in *Ingalls* the Board excluded from a skilled maintenance unit a pressman who worked with similar machinery. We therefore agree with the Regional Director that the camera technician and the finishing operator/inventory clerk properly are excluded from the skilled maintenance unit.

The Regional Director also properly excluded the utilization and lead utilization technician ("utilization technicians"). The utilization technicians, while dealing with equipment that ranges from fairly simple to complex and sophisticated, perform only low level repairs on the peripheral portions of the equipment. For example, they replace batteries and probes, check equipment for leaks, and clean components. They do not have the training to repair internal systems of the equipment and must call in the biomedical technologists for this work. The remainder of their time is spent in inventory and supply work. The utilization technicians are not required to have any specialized education or experience. Unlike maintenance mechanics, who are included in the skilled maintenance unit and also perform some unskilled general maintenance, there is no evidence that experience as a utilization technician is a stepping stone to a more skilled maintenance position included in the unit.³

Lastly, we find that the Employer's request for review raises substantial issues with respect to the placement of several contested classifications: the technical analyst, who is responsible for the Employer's micro-computer equipment; the network analyst, who is responsible for the mainframe computer network; and the radiology service specialists, who maintain, test, and inspect equipment in the radiology/diagnostic imaging department. However, the Board concludes that resolution of these issues requires further study and perhaps additional facts, and can best be resolved through use of the Board's challenge procedure. Accordingly, the request for review is denied with respect to these classifications and the employees in these classifications shall be permitted to vote under challenge. In all other respects, the Employer's request for review is denied.⁴

³ Thus, at least five maintenance mechanics have been promoted to journeymen maintenance mechanics, and some have been promoted to other higher skilled maintenance positions.

⁴ The Employer also requested review of the Regional Director's exclusion of the project manager, an engineering department classification, from the skilled maintenance unit. However, because the Employer offered no facts or argument in support of its request beyond listing the classification, and gave no record citations concerning the project manager, its request for review fails to meet the requirements of the Board's Rules and Regulations, and is rejected on this basis.

APPENDIX

Upon the entire record in this proceeding, I find

The hearing officers' rulings made at the hearing are free from prejudicial error and are affirmed.²

² In its brief, the Employer contends that the hearing should be reopened for the introduction of evidence improperly excluded by the hearing officer.

Continued

Inventory control coordinator and material handler

The inventory control coordinator (ICC) and the material handler work in the maintenance storeroom, which is located in the basement of the hospital building. They are supervised by the maintenance supervisor responsible for planning and training of the support services department. The ICC is required to be a high school graduate with 3 years' experience in a storeroom or warehouse environment. The material handler is also required to have a high school education with a minimum of 1 year's experience as a stockclerk or work in a warehouse environment with a basic understanding of construction equipment. Employees in both positions are compensated at a pay grade 7. Their jobs are very similar and they have, on occasion, filled in for each other.

The material handler classification is considered an entry level position in the maintenance department. The employee in this classification is more involved in the delivery and transport of materials than the ICC. The material handler is cross-trained to perform work as an incinerator operator and works in general maintenance. Record testimony established that the handler material spends approximately 10 percent or less of his worktime performing maintenance mechanic work.

The ICC monitors and replenishes materials within the maintenance storeroom. This employee takes inventories and enters that information into storeroom computer. The ICC occasionally assists the secretary I and senior clerk typist by writing out work orders as they are phoned into the department. The ICC is responsible for purchasing materials used by the maintenance department. Generally, maintenance employees give the ICC a completed requisition form. The ICC obtains a requisition number. Thereafter, either the ICC or the maintenance employee may call the vendor.

The ICC is involved in lending hand tools to employees from other departments. If those hand tools are returned in disrepair, the ICC will effect repairs. The ICC also occasionally makes extension cords.

When work orders are generated which require material usage, the ICC or the material handler will enter that information onto the work order. When parts are taken out of the storeroom, these employees note the part number. They assemble supplies to be used on a particular job into "kits."

During the course of the hearing, the hearing officer rejected the Employer's attempt to introduce evidence regarding the following employee classifications: maintenance mechanic; maintenance mechanic journeyman; groundskeeper; lead groundskeeper; maintenance mechanic helper; orthopedic technician; camera technician; environmental service material coordinator; inventory control specialist (Pharmacy); finish operator/inventory clerk (Reprographics); inventory clerk (CMSSS); engineering department project manager; distribution department material handler; material handler/staging; material handler/dietary; and inventory clerk/material handler.

While refusing to permit record testimony regarding the above-noted classifications, the hearing officer permitted the Employer to make oral offers of proof regarding the duties of the foregoing classifications.

The Employer's motion to reopen the record is denied. As will be discussed in more detail, *infra*, I have thoroughly reviewed the offers of proof in light of the Board's Rule regarding appropriate units in acute care hospitals and available case law and affirm the hearing officer's rulings in this regard with the exception of the lead groundskeeper.

They review manuals on new equipment to ensure that there are spare parts on hand. According to their job descriptions, these employees may be required to perform general maintenance work as well as operation of the incinerator.

The Petitioner contends that these positions should be included in the skilled maintenance unit. In its posthearing brief, the Employer takes the position that these employees can be included in the skilled maintenance unit only if a general community of interest test is applied. The Employer contends, however, that if such a test is applied, a myriad of other job classifications outside of this department must also be included in the unit along with all classifications in the department.

There is no evidence that the ICC performs any skilled maintenance work nor does it appear that the ICC may be classified as a "trainee, helper or assistant" of a skilled maintenance employee. The fact that the ICC may effect minor repairs on hand tools or make an occasional extension cord does not render it a skilled maintenance position. I find, therefore, that the ICC is not appropriately included in a skilled maintenance unit.

While the material handler is cross-trained to perform low level functions as well as incinerator operation, he spends less than 10 percent of his worktime performing such functions. There is no evidence that the individual who fills this position has any background in skilled maintenance work. Based on the foregoing and the record as a whole, I find that the material handler is not appropriately included in a skilled maintenance unit.

Biomedical engineering department

Employees in this department report to Department Manager Lee Lake and are responsible for the repair of patient-related equipment. They repair equipment that comes in contact with the patient, i.e., equipment which is used to give a treatment or monitor a patient's condition. Record evidence established that equipment is tagged to indicate whether it is maintained by the biomedical engineering department or the plant operations department. The main work area for these employees is located in the basement of the main hospital building. They also work out of four satellite shops.

The certified biomedical engineering technologists (CBETs) must have a bachelor's degree in applied physical or biological sciences with a minimum of 3 years of practical experience in electronics or an associate's degree in electronics with a minimum of 5 years of experience. The employee must also be certified. These employees are responsible for repairing equipment, training equipment operators, inspecting new equipment, performing preventative maintenance, and modifying equipment.

Biomedical engineering technologists (BET's) must have a bachelor's degree with a strong background in electronics or an associate's degree with at least 2 years of experience. Although they are not required to be certified, their job description states that they must be "certification eligible." Their job duties are essentially the same as the CBETs.

The junior biomedical engineering technologist (JBETs) is an entry level position which requires little or no experi-

ence.¹¹ Employees in this classification must have an associate's degree or the academic equivalent. After these employees have worked for 1 year, they are evaluated by the technologists to determine if they are ready to go on to the next classification. These employees work almost exclusively in central supply, but occasionally perform some of their work in physical therapy.

Employees in this department are paid according to a market pay scale, which is different from the compensation levels accorded employees in the maintenance department. The market pay grade system permits the pay grade to fluctuate more easily to reflect wages paid to employees in these classifications in other hospitals. In this manner, the Employer can keep the pay more competitive. The CBETs are compensated at grade 50 which, according to record testimony, is roughly equivalent to a pay grade 14. The BETs are compensated at a grade 49 which is roughly comparable to pay grade 11. The JBETs are compensated at a grade 48 which is roughly comparable to a pay grade 10.

Record testimony demonstrates that biomedical employees sometime work with employees from the maintenance department. For example, employees in those departments are responsible for repairing distinct portions of the ambulances used by the Employer. Biomedical employees are responsible for repair and maintenance of equipment taken on board the ambulance while maintenance department employees work on the ambulance itself.

The biomedical engineering department has its own procedure for tracking and performing preventative maintenance, which is similar to the procedure used in the maintenance department. The procedure for keeping track of corrective work orders is also similar to, but separate from, that used in the maintenance department.

The Petitioner takes the position that employees in this department should not be included in the skilled maintenance unit. The Employer, in its posthearing brief, takes the position that these employees should be included if maintenance mechanic journeymen and electrician journeymen are included.

In *San Juan Medical Center*, 307 NLRB 117 (1992), the Board determined that the Regional Director had correctly included biomedical technicians in a skilled maintenance unit. In that case, the Board noted that the biomedical employees were in the same department as the maintenance mechanics and were under the same department manager. The Board held that the fact that biomedical employees had more education, higher wages, and different hours from the maintenance employees, and had little interaction and no interchange with other skilled maintenance employees did not preclude inclusion in the skilled maintenance unit. The Board noted that while these employees maintained equipment used in direct patient care, their job duties did not include direct patient care and they could not be excluded from the unit on that basis.¹²

In *Faulkner Hospital*, 242 NLRB 47 (1979), a biomedical electronics technician was included in a skilled maintenance unit. That employee was part of the maintenance department.

¹¹ Record testimony established that at the time of the hearing this position was vacant as a result of the incumbent's recent promotion, but that the Employer intended to fill this position in the near future.

¹² See *Jewish Hospital*, 305 NLRB 955 (1991).

The Board noted that all the employees in the unit constituted a distinct administrative subdivision of the employer's facility which included separate supervision.

In the instant case, unlike the situation presented in *San Juan*, the Employer has placed the biomedical employees in a separate department under separate supervision. Therefore, the Employer's own organizational structure is indicative of the lack of a community of interest among these employees. This is further demonstrated by the fact that employees in the biomedical department are not only higher paid than most maintenance department employees, but they are paid on an entirely different pay scale. The Employer, in recognition of the unique nature of the work performed by biomedical employees, has chosen to pay them pursuant to a pay scale which permits the Employer more latitude to compete with other hospitals for competent biomedical employees.

I am mindful that the Board, in *Second Notice of Proposed Rulemaking*, 284 NLRB 1516, 1592 (1987), noted that biomedical technicians generally perform work similar to that of traditional skilled maintenance employees. The Board did not, however, mandate their inclusion in a skilled maintenance unit nor did the Board include biomedical technicians in its list of employees generally included in skilled maintenance units. By failing to do so, the Board left the issue of their inclusion to a case-by-case determination. In its only post-Rule decision, *San Juan*, the Board did include biomedical technicians in the skilled maintenance unit. However, as noted, biomedical employees in that case were in the same department as the rest of the skilled maintenance employees.

Based on the facts presented by this case, I find that the biomedical technicians are not properly included in the skilled maintenance unit.¹³ In so finding, I note that the Employer has placed them in a separate department, they are separately supervised and are paid pursuant to a completely different pay scale.¹⁴

Telecommunications department

This department is responsible for the maintenance, installation, repair, and operation of the Employer's the Telecommunications system which includes a telephone system, voice mail, television system, and fax network. The Employer raised an issue regarding the inclusion of three classi-

¹³ Inasmuch as there is no petition for a technical unit before me, I need not reach the issue of whether the biomedical employees are technical employees. Were I required to do so, I would find that they are, in fact, technical employees. Such a finding is not precluded by the Board's decision in *San Juan*. There, the Board noted that it contemplated "varying degrees of skill among classifications to be included in skilled maintenance units." (Citation omitted.) The Board also noted that the record demonstrated that other employees designated as technical by that employer were primarily involved in diagnostic work and not equipment repair. First, there is no such record evidence here. Second, based on the facts of this record, including the already noted administrative compensation difference accorded these employees, their educational backgrounds, and areas of expertise, I would find that they would be more properly included in a technical unit.

¹⁴ In view of my decision, I need not reach the issue of whether the biomedical department secretary should be included in the unit. Were I required to reach such a decision, I would find that she would be excluded from the unit on the same basis as the clericals in the maintenance department.

fications this in department in the skilled maintenance unit. At issue are the inclusion of the lead telecommunications technician, telecommunications technician, and telecommunications specialist.¹⁵ Joan Tipping serves as the department manager. The department is located in the basement of the main hospital facility.

The lead telecommunications technician and the telecommunications technician are responsible for the installation, maintenance, and repair of the Employer's telephone system. The lead technician is required to have a 2-year degree in electronic engineering, 5 years of PBX installation and maintenance experience, and a current factory certification in two telephone systems. The telecommunications technician must have graduated from high school, have 5 years of installation and maintenance experience, and a current certification in one of the telephone systems. Both technicians are required to take continuing education courses as required by manufacturers' warranties.

Record testimony established that employees in both classifications perform essentially the same job duties, although the lead technician spends more time on installation of equipment, while the technician is generally more involved in the repair of existing equipment.

These technicians have contact with employees from the maintenance department as they work together on various projects. For example, when telephone cable is run for a new installation, employees from the maintenance department install the telephone jack outlet box and conduit while the technicians pull cable and make connections.

The telecommunications specialist is responsible for the day-to-day operations of the computerized cable and satellite television system. The specialist is required to diagnose and repair problems in the cable and satellite system and also responds to calls regarding problems with the fax machines. The job description for this position states that the specialist must be a high school graduate with "two to three years of college desired."¹⁶

The Petitioner contends that these employees should not be included in the skilled maintenance unit, noting that these employees are separately supervised and have no "routine and continuing functional integration" with plant operations department employees.

In its posthearing brief, the Employer takes the position that employees in these classifications should be included in a skilled maintenance unit, arguing that employees in similar classifications have been included in other regional decisions. As indicated, those decisions have no precedential value.

Again, the Employer's own organizational structure indicates that these employees, who work in a different department under different supervision,¹⁷ do not share a commu-

¹⁵ The department also has employees classified as operators and a department secretary.

¹⁶ There is no indication as to whether the incumbent has any college credits.

¹⁷ I do not agree with the Employer's assertion that pursuant to the Board's holding in *San Juan Medical Center*, supra, the fact that these employees are in a different department and under different supervision is of no legal significance. As indicated in more detail, above, the employees at issue there were, in fact, in the same department and under the same supervision as the traditional skilled maintenance employees. Indeed, as noted above, the Board, in its rule-

nity of interest with skilled maintenance employees in the plant operations.

The fact that the telecommunications employees come into contact with skilled maintenance employees while performing their job duties does not require a finding that they, themselves, are skilled maintenance employees. I note that even in those instances where they may work with skilled maintenance employees on the same job order, the functions of the two groups of employees are separate and distinct. Unlike skilled maintenance employees, it does not appear that their primary job function is the repair and maintenance of the Employer's physical plant systems.

Based on the foregoing and the record as a whole, I find that the lead telecommunications technician, telecommunications technician, and telecommunications specialist are not skilled maintenance employees within the meaning of the Board's Rule and, therefore, are excluded from the skilled maintenance unit.

Employees in other departments

The Petitioner contends that none of the following classifications of employees are appropriately included in the skilled maintenance unit. In its posthearing brief, the Employer generally takes the position that employees in these classifications should be included in the unit. I note that many of the following categories were the subject of proffers at the hearing. As noted above, I find that the hearing officer properly excluded record testimony regarding these categories. A review of the proffers and job descriptions establishes that the employees at issue do not perform skilled maintenance work and have been typically excluded from such units. Nothing in the Employer's offer of proof or the job description warrants their inclusion in the unit. Additionally, I note that the proffered evidence is in substantial accord with job descriptions for those classifications.

Management information services department

This department provides total computer support for the Employer's organization. Douglas Carey is the department director. The department is broken down into three divisions: information services which employs the technical analyst who is responsible for microcomputer equipment repair; technical services which employs the network analyst who is responsible for mainframe equipment and peripheral repair; and data processing.

The network analyst must have 1 year of experience as a network analyst with an associate's degree in computer science or equivalent experience. Although a bachelor's degree is preferred, it is not required.¹⁸ He is responsible for the mainframe computer network including installation of CRT's and printers and coordination of cable pulls. According to the evidence, this employee spends approximately 70 percent of his time on repair functions.

The technical analyst is involved in the installation, maintenance, repair, and upgrade of microcomputer equipment. The position requires a bachelor's degree in computer

making procedures, placed great emphasis on the departmental and supervisory segregation of skilled maintenance employees.

¹⁸ The record discloses that the incumbent network analyst holds an associate's degree in computer technology and a bachelor's degree in recreation management.

science, or a related field, or an associate's degree with equivalent work experience. The job description for the position states the employee must have a minimum of 2 years of mini/micro or mainframe repair experience. The incumbent has an associate's degree in data processing.

The record indicates that both analysts work with electrician journeymen to coordinate cabling of new computer systems. After the cable is installed by the electrician, the analysts connect the cable to the computer.

The Petitioner contends that these employees are not properly included in the skilled maintenance unit. In its posthearing brief, the Employer contends that they should be included in the skilled maintenance unit.¹⁹

Environmental services department

Employees in this department are responsible for transporting hazardous and other waste products and providing cleaning services. The director of the department is John Matuszynski. The record establishes that there are approximately 225 employees in this department, the majority of whom provide cleaning services and are classified as specialist I or specialist II. There are also three employees who are classified as hazardous waste transporters and one is classified as a material coordinator. The employees in the last two classifications are at issue here.

The hazardous waste transporters report to Environmental Services Department Supervisor Bill Blanton. They are responsible for removing trash, including hazardous or infectious waste, and taking it to the incinerator.

According to witness testimony, on occasions when the incinerator is down, the incinerator operator may help the transporters move and box the waste products. The transporters also occasionally assist with yard work. They may also assist maintenance mechanics who are doing work in the environmental services department.²⁰

The material coordinator also reports to Supervisor Blanton. According to the Employer's proffer, this employee is responsible for repairing and hanging window and cubicle curtains, filling and repairing sanitary dispensers, and performing supply and inventory functions for the department. When repairs are beyond her ability she seeks assistance from maintenance mechanics.

. . . .

Physical medicine and rehabilitation department

The adaptive equipment technician (AET) is responsible for the design, fabrication, maintenance, and repair of equipment used for patients in physical medicine and rehabilitation. The AET works under the direction of physical and occupational therapists. While the AET may have some direct contact with patients for measurements, his job does not in-

¹⁹The Employer cites *Jewish Hospital*, 305 NLRB 955 (1991), in support of the inclusion of these employees in the skilled maintenance unit. Contrary to the Employer's assertion, the Board did not "uphold the Regional Director's" determination with regard to the inclusion of a computer engineer in a skilled maintenance unit. The employer there did not request review of that portion of the Regional Director's decision. This issue was not, therefore, before the Board.

²⁰The record is silent as to how often this occurs or precisely what type of work that they do to assist the maintenance mechanics.

volve direct patient care.²³ He is also responsible for inventory control and purchasing in the department.

The record indicates that on one occasion the AET worked with the maintenance planner to design and build a wheel chair.

Reprographics department

The manager of this department is Leonard Gorski. The department is responsible for all printing done at the facility.

The senior offset technician functions as a pressman. The position requires 4 years of experience operating printing presses. He runs the offset printing press and is responsible for daily preventative maintenance making sure that the press has sufficient oil and effecting minor repairs.

The sign fabricator/reprographics repairman manufactures and installs signs used throughout the hospital. The position requires a high school diploma and 3 years of experience in the repair of offset printing or industrial graphics equipment. According to record testimony, at one time sign fabricator and installation were performed by the maintenance department. Employees of that department will occasionally assist the sign fabrication in hanging signs. The employee in this position is also responsible for repair equipment within the department. Repairs beyond his capability are contracted out. He also performs regular preventive maintenance on the equipment.

According to the Employer's proffer, the camera technician manufactures the printing plates for the pressman. The position requires 4 years' experience operating the various pieces of equipment necessary to perform job functions. The camera technician performs regular preventative maintenance on his equipment and also effect some repairs.

According to the Employer's proffer, the finishing operator/inventory clerk operates, maintains, and repairs bindery equipment. The position requires a high school diploma and 3 years of experience operating bindery equipment.

Radiology/diagnostic imaging department

Tim Jakacki is the administrative director of this department. The radiology service specialists would normally report to the manager of support services but as that position is currently vacant, the specialists report directly to Jakacki. The radiology service specialists maintain, test, and inspect equipment within the department. They assist in calibration and installation of the equipment and perform general preventative maintenance. They occasionally work with maintenance employees on the repair of various pieces of equipment. The incumbents in the position do not hold associate's degrees. They have received on-the-job training and have completed an in-service training program.²⁴

²³The Employer correctly points out that the construction of equipment used in patient care does not, of itself, disqualify an employee from a skilled maintenance unit. In *Jewish Hospital*, supra, the Board excluded an occupational therapy craftsman not only because he did not operate, maintain, or repair the employer's physical plant but also because his primary job duties included direct patient care.

²⁴The Employer contends that this position should be included in the unit, arguing that the Board "unequivocally held as much" in *San Juan Medical Center*, supra. In that case, the Board noted that

Continued

Anesthesia services department

The employees at issue in this department are the utilization technicians and the lead utilization technicians.²⁵ These technicians are responsible for inventory control and supply, reprocessing of equipment, and general and preventative maintenance of monitors and machines used in the department. With regard to their maintenance function, they work on machines like blood pressure machines, pulse oximeters, blood warmers, fusion pumps, and the breath spirometer. When problems occur which they cannot repair, they work closely with employees from the biomedical department. The job description for the position states that these employees must be high school graduates with a minimum of 1 year of college and 2 to 3 years of hospital experience.

One employee is designated as the lead technician. The lead spends most of his time performing the same duties as other technicians. Approximately 10 percent of the lead's time is spent working with salesmen and representatives.

Engineering department

The Employer proffered that the project manager in this department performs the same functions as the maintenance planners in the department. According to the Employer, the difference between the two positions is that the maintenance planners deal with existing facilities whereas the project manager deals with renovation or new construction. The two classifications work closely together, consulting on an almost daily basis. The project manager has undertaken "hands on" work such as removing ceiling tiles to determine the nature and extent of construction projects. The job description for this position states that the incumbent must have an associate's degree in architecture/construction and a minimum of 5 years of experience in the construction field.

Findings and Conclusions

Based on the foregoing and the record as a whole, I find that none of the employees in the foregoing job classifications are appropriately included in a skilled maintenance unit.

As noted, in its *Second Notice of Proposed Rule Making*, 284 NLRB 1580 (1988), the Board determined that a separate unit of skilled maintenance employees is an appropriate unit. In reaching such a determination, the Board relied, in part, on the fact that skilled maintenance employees are normally placed in separate departments with their own supervision and are not supervised by people from outside of their department.

None of the employees in the foregoing classifications is within the maintenance department nor do they share super-

the biomedical employees at issue had similar hours and lower wages than the radiology technician who had been included in the unit. There is no discussion of the job duties of the radiology technician's duties or skills or whether that employee had been included as a result of stipulation by the parties. In short, that employee's inclusion in the unit was not an issue which had been presented to, or decided by, the Board.

²⁵ Other job classifications within the department also include registered nurse, respiratory therapist, clinic therapist, and secretary.

vision with skilled maintenance employees. As noted above, I do not agree with the Employer's sweeping interpretation of the Board's holding in *San Juan Medical Center*. That decision does not abolish the legal significance of departmental and supervisory separation of skilled maintenance employees.

The Board was aware of the fact that the nature of their job often brings skilled maintenance employees into contact with employees in other departments. Just as such contact did not warrant the inclusion of skilled maintenance employees in a larger unit, such contact cannot serve to bring other employees into the skilled maintenance unit. Therefore, the fact that employees in the above-noted classifications may have ongoing, regular contact with skilled maintenance employees is of no legal consequence.

The Board found that skilled maintenance units should generally include all employees involved in the maintenance, repair, and operation of the hospital's physical plant systems, as well as their trainees, helper, and assistants. Sometimes relatively unskilled workers can be included in a skilled maintenance unit if they are involved in the maintenance, repair, and operation of the physical plant systems or are a part of a separate department.

Employees in the foregoing classifications do not maintain, repair, or operate the Employer's physical plant nor do they assist in the operation thereof. Many of the employees in the disputed classifications do maintain and repair sophisticated hospital equipment. The Employer seems to argue that such duties require their inclusion in the unit pursuant to the Board's holding in *San Juan*. As noted above, I do not agree. The logical conclusion of the Employer's argument is that skilled maintenance employees are now defined employees who work with tools. I do not believe that is the intent of Board's Rule.

Clearly, there are employees in various other departments who work with tools in fulfilling their job duties. They may even work with some of the same tools used by skilled maintenance employees. No reasonable argument can be made that any and all employees who work with tools for that reason alone should be included in a skilled maintenance unit.

I find, therefore, that employees in the following classifications are not skilled maintenance employees and shall be excluded from the following unit:

Technical analyst; network analyst; hazardous waste transporters; environmental service department material coordinator; orthopedic technician; adaptive equipment technician; respiratory care sterilization technician; respiratory care equipment supply coordinator; senior off-set technician; sign fabricator/reprographics repairman; camera technician; finishing operator/inventory clerk (reprographics); radiology service specialists; CMSSS technician I; CMSSS technician II; CMSSS technical support clerk; CMSSS inventory clerk; utilization technician (anesthesia); lead utilization technician (anesthesia); inventory control specialist (pharmacy); project manager (engineering); distribution department material handlers.