CEO 319

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2013 MAY 10 PM 2:32
PUBLIC EMPLOYMENT RELATIONS BOARD

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF:	)	
	)	
LAKES REGIONAL HEALTHCARE,	)	
Public Employer/Petitioner,	)	
	)	
and	)	CASE NO. 8430
	)	
LAKES REGIONAL HEALTHCARE NURSES ASSOCIATION,	)	
Certified Employee	)	
Organization.	)	

ORDER NUNC PRO TUNC

It has come to the ALJ's attention that the proposed decision issued in this case on April 16, 2013, inadvertently misstated the parties' stipulation to update the existing bargaining unit's description in certain respects and that the order entered in conjunction with the proposed decision contained the same inadvertent error when describing the amended bargaining unit and also inadvertently referred to the public employer by an incorrect name. These misstatements should be replaced by what was in fact intended by the ALJ at the time of the issuance of the proposed decision and order, as though the correct matter had been included therein.

IT IS THEREFORE ORDERED, nunc pro tunc, that the third paragraph of the Findings of Fact, appearing at pages 2-3 of the proposed decision and order, is stricken and replaced with the following:

> There have been a number of changes in hospital positions since that time and the parties have stipulated to the appropriateness of the following updated unit description, subject to the determination of the appropriate placement of the PC supervisors and OB supervisor:

INCLUDED: The following position titles in the nursing division: Patient Care Supervisors (full-time and part-time), OB Supervisor, Registered Nurses, Licensed Practical Nurses, Operating Room Technicians, Nursing Assistants; and the following position titles in the homecare and public health divisions: Registered Nurses and Licensed Practical Nurses.

EXCLUDED: All other Lakes Regional Healthcare employees.

IT IS FURTHER ORDERED, nunc pro tunc, that the order appearing at page 16 of the proposed decision and order is stricken and replaced with the following:

ORDER

The petition for amendment of bargaining unit filed herein by Lakes Regional Healthcare is GRANTED.

The parties' stipulation of bargaining unit is approved, subject to the exclusions ordered in this Case No. 8430, and the bargaining unit previously described in Case No. 4574 is hereby amended to read as follows:

INCLUDED: The following position titles in the nursing division: Registered Nurses, Licensed Practical Nurses, Operating Room Technicians, Nursing Assistants; and the following position titles in the homecare and public health divisions: Registered Nurses and Licensed Practical Nurses.

EXCLUDED: All other Lakes Regional Healthcare employees.

THIS ORDER NUNC PRO TUNC DATED at Des Moines, Iowa this 10th day of May, 2013.

Diana S. Machir
Administrative Law Judge

CEO 319

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF: LAKES REGIONAL HEALTHCARE, Public Employer/Petitioner, and LAKES REGIONAL HEALTHCARE NURSES ASSOCIATION, Certified Employee Organization.	)))))))))))	CASE NO. 8430

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PUBLIC EMPLOYMENT RELATIONS BOARD

PROPOSED DECISION AND ORDER

Lakes Regional Healthcare (Lakes Regional or Hospital) filed a petition for amendment of bargaining unit with the Public Employment Relations Board (PERB or Board) pursuant to Iowa Code section 20.13 and PERB rule 621-4.6(20). Lakes Regional's petition seeks the exclusion of two positions, patient care supervisor (PC supervisor) and obstetrics supervisor (OB supervisor), from the existing bargaining unit of Lakes Regional employees. Lakes Regional asserts that the positions at issue are representatives of the public employer and thus excluded from chapter 20's coverage. Lakes Regional Healthcare Nurses Association represents the unit for the purposes of collective bargaining and resists the petition.

Pursuant to notice, the evidentiary hearing was conducted before the undersigned administrative law judge on November 4, 2011, and February 7, 2012. Attorney R.J. Stevenson represented Lakes Regional and Bonnie Winther represented the Association. The parties submitted briefs, the last of which was filed on May 29, 2012.

ORDER

The petition for amendment of bargaining unit filed herein by Greater Lakes Regional Hospital is GRANTED.

The parties' stipulation of bargaining unit is approved, subject to the exclusions ordered in this Case No. 8430, and the bargaining unit previously described in Case No. 4574 is hereby amended to read as follows:

> INCLUDED: The following position titles in the nursing division: Registered Nurses, Licensed Practical Nurses, Operating Room Technicians, Nursing Assistants; and the following position titles in the public health divisions: Registered Nurses and Licensed Practical Nurses.
>
> EXCLUDED: All other Lakes Regional Healthcare Employees.

DATED at Des Moines, Iowa this 16th day of April, 2013.

Diana S. Machir
Administrative Law Judge

File original.

Mail copies to:

R.J. Stevenson
Baird Holm LLP
1500 Woodmen Tower
1700 Farnam Street
Omaha NE 68102-2068

Bonnie Winther
CWA
6200 Aurora, Suite 503E
Des Moines IA 50322

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

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PUBLIC EMPLOYMENT RELATIONS BOARD

DICKINSON COUNTY MEMORIAL HOSPITAL, Public Employer,	)	
and	)	CASE NO. 6605
DICKINSON COUNTY MEMORIAL HOSPITAL NURSES ASSOCIATION, Certified Employee Organization/ Petitioner.	)	

AMENDMENT OF CERTIFICATION

A petition for amendment of certification was duly filed under Rule 4.8 of the Public Employment Relations Board [Board or PERB] Rules. Said petition has been tentatively approved by the Board; a Public Notice of Proposed Decision of Amendment of Certification has been posted in conformance with PERB rules; and no objections have been filed, therefore:

IT IS THEREFORE ORDERED that the certification of Dickinson County Memorial Hospital Nurses Association, issued in Case No. 3072 and amended in Case Nos. 3144, 3344, 4574 and 5316, is amended to read as follows:

Lakes Regional Healthcare Nurses Association

IT IS FURTHER ORDERED that the name of the employer is amended to read as follows:

Lakes Regional Healthcare

DATED at Des Moines, Iowa this 4th day of March, 2003.

PUBLIC EMPLOYMENT RELATIONS BOARD

By: James R. Riordan
James R. Riordan, Chair

cc: Lynn Hughes
Joe Fitzgibbons
Amy Herum

cert.ac

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

95 JUN 26 AM 11:08
PUBLIC EMPLOYMENT RELATIONS BOARD

DICKINSON COUNTY MEMORIAL HOSPITAL, Public Employer,	)	
and	)	CASE NO. 5316
DICKINSON COUNTY MEMORIAL HOSPITAL HEALTH CARE UNIT, Certified Employee Organization.	)	

AMENDMENT OF CERTIFICATION

A petition for amendment of certification was duly filed under Rule 4.8 of the Public Employment Relations Board [Board or PERB] Rules. Said petition has been tentatively approved by the Board; a Public Notice of Proposed Decision of Amendment of Certification has been posted in conformance with PERB rules; and no objections have been filed, therefore:

IT IS THEREFORE ORDERED that the certification of Dickinson County Memorial Hospital Health Care Unit, issued in Case No. 3072 and amended in Case Nos. 3144, 3344 and 4574, is amended to read as follows:

Dickinson County Memorial Hospital Nurses Association

DATED at Des Moines, Iowa this 26th day of June, 1995.

PUBLIC EMPLOYMENT RELATIONS BOARD

Richard R. Ramsey, Chairman

cc: Joe Fitzgibbons
Chuck Polson

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

DICKINSON COUNTY MEMORIAL HOSPITAL, Public Employer,	)	
and	)	CASE NO. 4574
DICKINSON COUNTY MEMORIAL HOSPITAL HEALTH CARE UNIT, Certified Employee Organization/Petitioner.	)	

FILED
1992 APR 21 PM 3:22
PUBLIC EMPLOYMENT RELATIONS BOARD

AMENDMENT OF BARGAINING UNIT AND CERTIFICATION

Upon a petition for amendment of bargaining unit duly filed under Section 13 of the Public Employment Relations Act [Act], Chapter 20, Iowa Code (1991) and Rule 4.6 of the Public Employment Relations Board [Board or PERB], the parties filed with the Board a Stipulation of Bargaining Unit. Said Stipulation has been tentatively approved by the Board; a Public Notice of Proposed Decision of Amendment of Bargaining Unit has been posted in conformance with PERB Rules; and no objections have been filed, therefore:

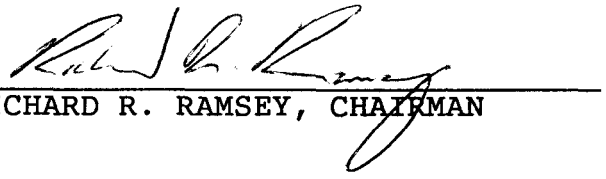
IT IS HEREBY ORDERED that the bargaining unit previously determined in Case No. 2759 and amended in Cases No. 3072, 3144 and 3344, and the certification of Dickinson County Memorial Hospital Health Care Unit, is amended to read as follows:

INCLUDED: All patient care employees of Dickinson County Memorial Hospital including Registered Nurses, House Supervisors (i.e. Shift Managers), Regular Relief House Supervisors, Licensed Practical Nurses, LPN/Physical Therapy Aide, Nurses Aides, Orderlies, Clinical Lab Assistant (CLA or equivalent), Operating Room Technicians, Pharmacy Technicians, Program Manager (Infection Control/Employee Health/Patient Education), Program Manager (Risk Management/Quality Assurance).

EXCLUDED: Administrator, Director of Fiscal Services, Director of Technical Services, Chief Pharmacist, Anesthetist, Director of Support Services, Housekeeping Supervisor, Director of Administrative Services, Director of Nursing, Special Care Unit Manager, Medical/Surgical Unit Manager, OB Manager, OR/ER/CSR Manager, Assistant Lab Supervisor, Assistant X-ray Supervisor, Ambulance Supervisor, X-ray and Lab Quality Assurance Specialist, Respiratory Therapy Supervisor, X-ray Technicians, Lab Technicians (ASCP registered or equivalent Medical Technologists), Physical Therapy Technicians, Respiratory Therapy Technicians, all Support Services employees including EMT/housekeepers, Lake Park EMT's, all other employees of the Hospital, and all other employees excluded by Section 4 of the Act.

DATED at Des Moines, Iowa this 21st day of April, 1992.

PUBLIC EMPLOYMENT RELATIONS BOARD



RICHARD R. RAMSEY, CHAIRMAN

cc: Susan Logsdon
Joseph L. Fitzgibbons

STATE OF IOWA

BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

DICKINSON COUNTY MEMORIAL HOSPITAL, Public Employer, and DICKINSON COUNTY HOSPITAL PROFESSIONAL NURSES ASSOCIATION, Petitioner/Certified Employee Organization.	)	CASE NO. 3344

AMENDMENT OF CERTIFICATION

On November 5, 1986, the above-referenced Petitioner (hereinafter the Association) filed a Petition for Amendment of Certification seeking to change its name to "Dickinson County Memorial Hospital Health Care Unit". The Public Employment Relations Board thereafter issued a "Public Notice of Proposed Decision" notifying the parties that, unless objections were filed by November 26, 1986, the certification would be amended to reflect the name change.

On November 26, 1986, the Dickinson County Memorial Hospital (hereinafter the Hospital) filed a written objection to the proposed amendment on the grounds that the Hospital believed the Association was attempting to alter the make-up of the certified bargaining unit. In a follow-up telephone conversation, the Hospital's attorney informed PERB that if the amendment of certification contemplated by PERB involved only a change in the name of the certified employee organization and not a change in the make-up of the certified bargaining unit, the Hospital would have no objection to the proposed amendment.

In this case, the Association's Petition asks only for a name change to more accurately reflect the bargaining unit that was certified by PERB. Likewise, the Public Notice of Proposed Decision which was issued by PERB states only that

PERB's intention is to amend the certification only to reflect a name change, and not to change the make-up of the unit itself in any way. If either party wished to amend the bargaining unit by adding or removing job classifications or by changing the titles of job classifications, a Petition for Amendment of Bargaining Unit would have to be filed pursuant to PERB Rule 4.6.

Since the effect of the Association's petition in this case is solely a name change, the Hospital's objections are not applicable. Accordingly, said stipulation having been tentatively approved by the Board and posted in conformance with the Board's Rules and Regulations, and the Board having no objections;

ORDER

IT IS HEREBY ORDERED that the certification of the Dickinson County Hospital Professional Nurses Association previously issued in Case No. 3144 be amended to the following:

DICKINSON COUNTY MEMORIAL HOSPITAL HEALTH CARE UNIT

DONE at Des Moines, Iowa this 4th day of March, 1987.

PUBLIC EMPLOYMENT RELATIONS BOARD

Richard R. Ramsey

RICHARD R. RAMSEY, CHAIRMAN

James A. McClimon

JAMES A. McCLIMON, BOARD MEMBER

Scot L. Beckenbaugh

SCOT L. BECKENBAUGH, BOARD MEMBER

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

DICKINSON COUNTY MEMORIAL HOSPITAL, Public Employer,	)	
and	)	
DICKINSON COUNTY NURSES ASSOCIATION, Certified Employee Organization.	)	CASE NO. 3144

AMENDMENT OF BARGAINING UNIT AND CERTIFICATION

Upon a petition for amendment of bargaining unit duly filed under §13 of the Public Employment Relations Act and Rule 4.6 of the Public Employment Relations Board's Rules and Regulations, the parties waived hearing and filed with the Public Employment Relations Board a stipulation of amendment of bargaining unit.

Said stipulation having been tentatively approved by the Board and the Board having no objections;

ORDER

IT IS HEREBY ORDERED that the bargaining unit previously determined in Case No. 2759 and the certification of Dickinson County Nurses Association in that case be and hereby is amended to read as follows:

INCLUDED: All patient care employees of Dickinson County Memorial Hospital including Registered Nurses, Special Care Unit Supervisor, MedicalSurgical Unit Supervisor, OB Supervisor, OR/ER/CSR Supervisor, Regular Relief House Supervisors, Licensed Practical Nurses, LPN/ Physical Therapy Aide, Nurses Aides, Orderlies, Clinical Lab Assistant (CLA or equivalent), Operating Room Technicians, Pharmacy Technicians.

EXCLUDED: Administrator, Quality Assurance Coordinator, Director of Fiscal Services, Director of Technical services, Chief Pharmacist, Anesthetist, Director of Support Services, Housekeeping Supervisor, Director of Administrative Services, Director of Nursing, House Supervisors. Assistant Lab Supervisor, Assistant X-ray Supervisor, Ambulance Supervisor, X-ray and Lab Quality Assurance Specialist, Respiratory Therapy Supervisor, X-ray Technicians, Lab Technicians (ASCP registered or equivalent Medical Technologists), Physical Therapy Technicians, Respiratory Therapy Technicians, all Support Services employees including EMT/housekeepers, Lake Park EMT's, all other employees of the Hospital, and all other employees excluded by Section 4 of the Act.

DONE by the Public Employment Relations Board this 25th day of February, 1986.

JAMES A. McCLIMON, BOARD MEMBER

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

DICKINSON COUNTY MEMORIAL HOSPITAL, Public Employer,	)	CASE NO. 3072
and	)	ORDER OF CERTIFICATION
DICKINSON COUNTY HOSPITAL PROFESSIONAL NURSES ASSOCIATION, Petitioner.	)	

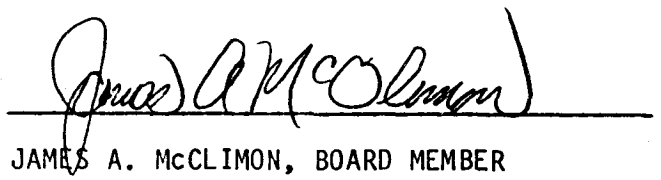
NOW, on this 21st day of January, 1986, the Board being advised that an election was conducted pursuant to Order of the Board, and that a majority of the ballots were cast for Dickinson County Memorial Hospital Professional Nurses Association, an employee organization; and the Board being further advised that said employee organization has complied with all requirements of the Act and the Rules and Regulations thereunder;

IT IS HEREBY ORDERED that Dickinson County Memorial Hospital Professional Nurses Association should be, and hereby is, designated and certified by this Board to be the exclusive bargaining representative for employees of Dickinson County Memorial Hospital, a public employer, in the following bargaining unit:

INCLUDED: All patient care employees of Dickinson County Memorial Hospital including Registered Nurses, Special Care Unit Supervisor, Medical-Surgical Unit Supervisor, OB Supervisor, Assistant Lab and X-ray Supervisor, OR/ER/CSR Supervisor, Ambulance Supervisor, Regular Relief House Supervisors, X-ray and Lab Quality Assurance Specialist, Respiratory Therapy Supervisor, Licensed Practical Nurses, Nurses Aides, Orderlies, and Technicians (x-ray, lab, physical therapy, respiratory therapy, operating room and pharmacy).

EXCLUDED: Administrator, Quality Assurance Coordinator, Director of Fiscal Services, Director of Technical services, Chief Pharmacist, Anesthetist, Director of Support Services, Housekeeping Supervisor, Director of Administrative Services, Director of Nursing, House Supervisors, all Support Services employees including EMT/housekeepers, Lake Park EMT's, all other employees of the Hospital, and all other employees excluded by Section 4 of the Act.

DONE by the Public Employment Relations Board.



JAMES A. McCLIMON, BOARD MEMBER