

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION SEVEN**

**SPECTRUM HEALTH HOSPITALS D/B/A
COREWELL HEALTH BLODGETT HOSPITAL,
SPECTRUM HEALTH HOSPITALS D/B/A
COREWELL HEALTH BUTTERWORTH
HOSPITAL, AND SPECTRUM HEALTH
HOSPITALS D/B/A COREWELL HEALTH
HELEN DEVOS CHILDREN'S HOSPITAL**

Employer/Petitioner

and

Case 07-RM-355790

**LOCAL 406, INTERNATIONAL BROTHERHOOD
OF TEAMSTERS (IBT)**

Union

DECISION AND ORDER DISMISSING PETITION

On November 15, 2024, the Union made a request for voluntary recognition as the exclusive collective bargaining representative for all respiratory therapists employed by the Employer/Petitioner at its acute care hospitals located at 100 Michigan Street NE and 1840 Wealthy Street SE in Grand Rapids, Michigan.

On November 27, 2024, the Employer/Petitioner filed the instant RM petition challenging the appropriateness of the unit for which the Union seeks voluntary recognition. On December 3, 2024, the Regional Director for Region Seven issued an Order to Show Cause seeking the parties' positions as to whether the petitioned-for unit is appropriate under the Board's Health Care Rule as set forth in 29 CFR Part 103.

In response to the Order to Show Cause, the Employer/Petitioner argues that the petition should be dismissed because the petitioned-for unit is a non-conforming unit under the Board's Health Care Rule and the Rule's two rare exceptions do not apply here. The Union did not respond to the Order but contends in its Statement of Position that non-conforming units exist within the Employer/Petitioner's network of hospitals.

There is no dispute that the Employer operates an acute care hospital within the meaning of Section 103.30(f)(2) of the Board's Rules and Regulations. Under Board law, in an acute care hospital, the following bargaining units are the only appropriate units for petitions filed pursuant to Section 9(c)(1)(A)(i) of the National Labor Relations Act: 1) all registered nurses; 2) all physicians; 3) all professionals except for registered nurses and physicians; 4) all technical employees; 5) all skilled maintenance employees; 6) all business office clerical employees; 7) all guards; and 8) all nonprofessionals except for technical employees, skilled maintenance employees, business office clerical employees, and guards (See Sec. 103.30(a) of the Board's Rules and Regulations; Collective Bargaining Units in the Health Care Industry; 284 NLRB

Spectrum Health Hospitals d/b/a Corewell
Health Blodgett Hospital, Spectrum Health
Hospitals d/b/a Corewell Health Butterworth
Hospital, and Spectrum Health Hospitals
d/b/a Corewell Health Helen DeVos
Children's Hospital
Case 07-RM-355790

1515 (1987)). Deviation from these eight appropriate bargaining units is rare and is only done “in extraordinary circumstances and in circumstances in which there are existing non-conforming units” (Sec. 103.30(a) of the Board’s Rules and Regulations.). The party urging “extraordinary circumstances” bears a heavy burden to demonstrate that its arguments are substantially different from those which the Board carefully considered during the rulemaking proceedings in creating Section 103.30 of the Board’s Rules and Regulations (See *Collective Bargaining Units in the Health Care Industry*; 284 NLRB at 1574).

The parties do not dispute that the petitioned-for unit is a non-conforming unit under the Health Care Rule. Neither party contends that there are existing non-conforming units at either of the petitioned-for locations. Further, the Union has failed to establish that extraordinary circumstances exist which would warrant an exception to the application of the Health Care Rule. Therefore, I find that the petitioned-for unit is not an appropriate unit.

IT IS HEREBY ORDERED that the petition in this matter is dismissed.

RIGHT TO REQUEST REVIEW

Pursuant to Section 102.67(c) of the Board’s Rules and Regulations, you may obtain a review of this action by filing a request with the Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570-0001. A copy of the request for review must be served on each of the other parties as well as on the undersigned, in accordance with the requirements of the Board’s Rules and Regulations. The request for review must contain a complete statement of the facts and reasons on which it is based.

Procedures for Filing Request for Review: Pursuant to Section 102.5 of the Board’s Rules and Regulations, a request for review must be filed by electronically submitting (E-Filing) it through the Agency’s web site (www.nlr.gov), unless the party filing the request for review does not have access to the means for filing electronically or filing electronically would impose an undue burden. A request for review filed by means other than E-Filing must be accompanied by a statement explaining why the filing party does not have access to the means for filing electronically or filing electronically would impose an undue burden. Section 102.5(e) of the Board’s Rules do not permit a request for review to be filed by facsimile transmission. A copy of the request for review must be served on each of the other parties to the proceeding, as well as on the undersigned, in accordance with the requirements of the Board’s Rules and Regulations. The request for review must comply with the formatting requirements set forth in Section 102.67(i)(1) of the Board’s Rules and Regulations. Detailed instructions for using the NLRB’s E-Filing system can be found in the [E-Filing System User Guide](#).

Spectrum Health Hospitals d/b/a Corewell
Health Blodgett Hospital, Spectrum Health
Hospitals d/b/a Corewell Health Butterworth
Hospital, and Spectrum Health Hospitals
d/b/a Corewell Health Helen DeVos
Children's Hospital
Case 07-RM-355790

A request for review must be received by the Executive Secretary of the Board in Washington, DC, by close of business (**5 p.m. Eastern Time**) on **January 13, 2025**, unless filed electronically. If filed electronically, it will be considered timely if the transmission of the entire document through the Agency's website is **accomplished by no later than 11:59 p.m. Eastern Time on January 13, 2025**.

Filing a request for review electronically may be accomplished by using the E-Filing system on the Agency's website at www.nlr.gov. Once the website is accessed, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt of the request for review rests exclusively with the sender. A failure to timely file the request for review will not be excused on the basis that the transmission could not be accomplished because the Agency's website was offline or unavailable for some other reason, absent a determination of technical failure of the site, with notice of such posted on the website.

Upon good cause shown, the Board may grant special permission for a longer period within which to file a request for review. A request for extension of time, which must also be filed electronically, should be submitted to the Executive Secretary in Washington, and a copy of such request for extension of time should be submitted to the Regional Director and to each of the other parties to this proceeding. A request for an extension of time must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding in the same manner or a faster manner as that utilized in filing the request with the Board.

Any party may, within 5 business days after the last day on which the request for review must be filed, file with the Board a statement in opposition to the request for review. An opposition must be filed with the Board in Washington, DC, and a copy filed with the Regional Director and copies served on all the other parties. The opposition must comply with the formatting requirements set forth in §102.67(i)(1). Requests for an extension of time within which to file the opposition shall be filed pursuant to §102.2(c) with the Board in Washington, DC, and a certificate of service shall accompany the requests. The Board may grant or deny the request for review without awaiting a statement in opposition. No reply to the opposition may be filed except upon special leave of the Board.

Dated: December 30, 2024

Mary Beth Foy

Mary Beth Foy, Acting Regional Director
National Labor Relations Board, Region 07
Patrick V. McNamara Federal Building
477 Michigan Avenue, Room 05-200
Detroit, Michigan 48226