

NYSNA v. City, 20 OCB 2 (BOC 1977) [Decision No. 2-77 (Cert.)]

OFFICE OF COLLECTIVE BARGAINING  
BOARD OF CERTIFICATION

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In the Matter of

NEW YORK STATE NURSES ASSOCIATION,  
Petitioner

DECISION NO. 2-77

DOCKET NO. RU-575-76

-and-

DISTRICT COUNCIL 37, AFSCME, AFL-CIO,  
Intervenor

-and-

THE CITY OF NEW YORK AND RELATED  
PUBLIC EMPLOYERS

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DECISION AND ORDER

On July 9, 1976, New York State Nurses Association (herein called Petitioner) filed its petition herein, seeking certification as exclusive collective bargaining representative of employees in the title of Medical Utilization Review Analyst (herein MURA), either as a separate unit or added to Certification No. 73-73 (as amended), presently covering various nursing titles. On November 9, 1976, District Council 37, AFSCME, AFL-CIO (herein called Intervenor) filed an application to intervene herein, on the ground that the petitioned title should be added to Certification No. 46A-75 (as amended), covering various social service and related titles.

The Office of Labor Relations, on behalf of the City of New York and the New York City Health and Hospitals Corporation, opposes both Petitioner's and Intervenor's unit positions.

Positions of the Parties

Petitioner gives no explanation of its unit positions but presumably based its petition on the fact that one of the alternative qualification requirements for the petitioned title is graduation from nursing school. Like most MURA's, all of the employees under the Board's jurisdiction who are represented by Petitioner are nursing school graduates.

Intervenor's attorney orally indicated to staff that MURA's are most similar to employees in the social service unit in the title of Hospital Care Investigator in that both are concerned with "third-party reimbursements" of hospital charges.

The Office of Labor Relations opposes Petitioner's request for a separate unit on the ground that "certification of such a small unit is (not) consistent with the Board's statutory objective of fostering sound labor relations and promoting the efficient operation of the public service". The OLR also opposes inclusion of MURA's in Petitioner's unit because the unit titles "all provide professional nursing services [whereas] the Medical Utilization Review Analyst performs an essentially administrative function...".

The Office of Labor Relations does not object to the request to intervene but opposes Intervenor's proposed unit placement because "there is insufficient community of interest with any title in [the social service] unit to justify inclusion of [the petitioned] title therein".

Appropriate Unit

We find both units requested by Petitioner inappropriate because, on the one hand, there are fewer than fifty MURA's and, absent compelling reasons (which we do not find herein), the Board will not establish such a small unit. on the other hand, we will not include MURA's in petitioner's present unit because employees in that unit are concerned with direct patient care and the teaching of patient care techniques, whereas MURA's use their knowledge of "medical diagnosis, medical terminology, medical records, charts and related documents" to provide "medically oriented professional review and analysis of cases involving third-party reimbursements. . . . ."

Moreover, we also find Intervenor's proposed unit inappropriate because the petitioned employees significantly differ from Hospital Care Investigators who unlike petitioned employees, are not trained in any branch of nursing or medicine but rather, require education or experience in "interviewing, investigation, casework or a related field." Moreover, HCI's deal with "third-party reimbursements" from a standpoint of social work or determining "ability to pay," rather than seeking to assure inclusion in third-party reimbursement applications of appropriate medical justification.

Having found that neither Petitioner nor Intervenor has proposed an appropriate unit, we are faced with the choice of either dismissing the petition or finding a more appropriate unit placement for the petitioned title. We prefer the latter course.

Intervenor represents a "health services" unit (Certification No. 46F-75, as amended) which contains several titles which are closely related to the petitioned title, including three levels of Medical Record Librarians, who, like MURA's, analyze, abstract and evaluate clinical records. Possession of a nursing degree is also one of the alternative requirements for these librarians. This unit also contains many other titles requiring nursing training, such as various levels of public health nurses and anaesthetists. A majority of the employees in this unit, as amended herein, have authorized check-off of dues in behalf of Intervenor. Accordingly, we shall add the petitioned title to Certification No. 46F-75 (as amended by Decisions 47-75, 53-75, 3-76, 9-76, 28-76, 40-76 and 57-76).

O R D E R

NOW, THEREFORE, pursuant to the powers vested in the Board of Certification by the New York City Collective Bargaining Law, it is hereby

ORDERED that-the application by District Council 37, AFSCME, AFL-CIO, to intervene herein be, and the same hereby is, granted; and it is further

ORDERED that Certification no. 46F-75 (as previously amended) be, and the same hereby is further amended to include the title of Medical Utilization Review Analyst, subject to existing contracts, if any.

Dated: New York, New York  
January 27, 1977

ARVID ANDERSON  
CHAIRMAN

WALTER L. EISENBERG  
MEMBER

ERIC J. SCHMERTZ  
MEMBER

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The title and title code number of the employees affected by this decision are as follows:

Medical Utilization Review Analyst 00121