

## LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD

MARION KREMER, and HEALTH, PROFESSIONAL  
AND TECHNICAL EMPLOYEES ASSOCIATION,  
LOCAL 707, SERVICE EMPLOYEES INTERNATIONAL  
UNION, AFL-CIO,

Complainants,

vs.

SOUTHERN NEVADA MEMORIAL HOSPITAL,  
and HYATT HOUSE MEDICAL MANAGEMENT,  
INC.,

Respondents.

Case No. A1-045292

DECISION

On August 12, 1975, the individual complainant, Marion Kremer, was terminated by the respondent hospital. This complaint alleges that Mrs. Kremer was wrongfully discharged in violation of NRS 288.270(1)(d)<sup>1</sup> and seeks, as its principal relief, her reinstatement as Collections Supervisor at the hospital with back pay and benefits. Other matters raised in the complaint were not pursued by complainants and will not be considered in this decision.

Mrs. Kremer commenced her employment with Southern Nevada Memorial Hospital in January of 1967, ultimately reaching the position of Collections Supervisor. It was the responsibility of

1. NRS 288.270(1)(d) provides in pertinent part:

It is a prohibited practice for a local government employer or its designated representative willfully to:

...

(d) Discharge...any employee because...he has... joined or chosen to be represented by any employee organization.

Mrs. Kremer and the employees under her supervision to attempt to collect debts owing the hospital after normal billing procedures had failed to collect the full amount. Accounts which her department was unable to collect were written off as bad debts and turned over to collection agencies.

Two of Mrs. Kremer's former supervisors testified that she was an outstanding employee and did an excellent job in the collections department. Further, an individual with whom she had dealt while he was a representative of a collection agency testified that she had a good reputation as a collector and skip tracer.

On the other hand, the representatives of Hyatt Medical Management set forth several reasons for her discharge including her release of confidential information to the collection agencies, her failure to follow certain directives such as preparing a job description for all personnel in her department and preparing a list of all policies and procedures in effect in the department at the time.

The criteria we utilize in determining whether an individual has been improperly discharged from his or her employment because of union activity were set forth in our first decision, Laborers' International Union of North America, Local Union No. 169 - For Reginald D.J. Becker vs. Washoe Medical Center, Case No. 1, Item #1, and reiterated in Dave Leroy Davis v. Bill Harrison, et al., Case No. Al-00234, Item #15, decision rendered July 12, 1974.

The Becker decision stated that mere "suspicion" is not enough alone to conclusively establish that union activity was the sole reason, or the real reason, for discharge. Second, even if an employee has extensively engaged in union activity to the displeasure of the employer and is discharged, the employee has no right to be reinstated if the employer can show the discharge was for any reason other than union membership or activity.

In addition to these and other criteria, we noted in the Davis decision that there was no testimony to indicate that Mr. Davis' employer was aware of any union activity on his part.

From Mrs. Kremer's own testimony it does not appear that she was extensively involved in union activity at Southern Nevada Memorial Hospital. She testified that she did not engage in union activities during working hours, was not an officer of the employee organization, and was not a member of any organizing committee for Local 707. Mrs. Kremer indicated that she had passed out leaflets in the parking lot after work and called other employees in the evening to "talk union." The testimony does not indicate that her name appeared on any of the leaflets as a contact person for individuals wishing to join Local 707.

Further, the record discloses that only one representative of Hyatt Medical Management, which had recently taken over the management of the hospital, was even aware of Mrs. Kremer's support of Local 707. In a conversation with Mr. Joseph Armon she had inquired how Hyatt Management felt about the union and received the response, "They have no qualms."

As we stated in the Becker decision, "[e]ven in a case where the employee has extensively engaged in union activity to the displeasure of the employer and is discharged, the employee has no right to be reinstated if the employer can show the discharge was for any other reason than union membership or activity."

The evidence fails to indicate that Mrs. Kremer "extensively engaged" in union activity and it does disclose several feasible reasons upon which management asserts her discharge was based.

The claim for relief must be denied.

#### FINDINGS OF FACT

1. That Marion Kremer was a local government employee employed by Southern Nevada Memorial Hospital from January, 1967, until August 12, 1975.

2. That Health, Professional and Technical Employees Association, Local 707, Service Employees International Union, AFL-CIO is an employee organization.

3. That Southern Nevada Memorial Hospital is a local government employer.

4. That Hyatt Medical Management, Inc. is a corporation which has been retained by the County of Clark to manage the Southern Nevada Memorial Hospital.

5. That August 12, 1975, Mrs. Kremer was asked to resign her position as Collections Supervisor of Southern Nevada Memorial Hospital.

6. That Mrs. Kremer never prepared a letter of resignation and was therefore terminated on August 12, 1975.

7. That the evidence and testimony fail to reflect that Mrs. Kremer extensively engaged in union activity.

8. That the evidence and testimony indicated that Mrs. Kremer supported Local 707 as a volunteer, but, that she held no office in the Local nor was she a member of any organizing committee for the Local.

9. That the individual who terminated Mrs. Kremer stated that the termination was based upon Mrs. Kremer's release of confidential information from the hospital to various collection agencies and her failure to follow certain directives issued to her.

#### CONCLUSIONS OF LAW

1. That under the provisions of Chapter 288 of the Nevada Revised Statutes, the Local Government Employee-Management Relations Board possesses original jurisdiction over the parties and subject matter of this complaint.

2. That the individual complainant, Marion Kremer, was a local government employee as defined by NRS 288.050 from January, 1967, until her termination on August 12, 1975.

3. That the Health, Professional and Technical Employees Association, Local 707, Services Employees International Union, AFL-CIO is an employee organization within the term as defined in NRS 288.040.

4. That Southern Nevada Memorial Hospital is a local government employer within the term as defined in NRS 288.060.

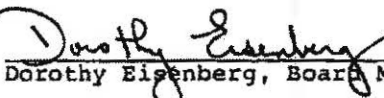
5. That Mrs. Kremer was not discharged from her employment because of union activity on her part, and, that, therefore, there was no violation of the provisions of NRS 288.270(1)(d).

The request for reinstatement is denied.

Dated this 9 day of May, 1976.

  
Christ N. Karamanos, Board Chairman

  
John T. Gojack, Board Vice Chairman

  
Dorothy Eisenberg, Board Member