

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS BOARD

In the Matter of the Petition of

MILWAUKEE DISTRICT COUNCIL 48
AFSCME, AFL-CIO

Involving Employees of

MILWAUKEE COUNTY

Case XIV
No. 10612 ME-224
Decision No. 7463

Appearances:

Mr. Harold W. Schmidt, Assistant Director, Milwaukee County District Council 48, AFSCME, AFL-CIO for the Petitioner.
Mr. Robert G. Polasek, Assistant Corporation Counsel, Mr. Anthony P. Romano, Chief Examiner, Milwaukee Civil Service Commission, and Mr. John Reuter, Assistant Chief Examiner, Milwaukee County Civil Service Commission, for the Municipal Employer.

DIRECTION OF ELECTION

Milwaukee District Council 48, AFSCME, AFL-CIO having petitioned the Wisconsin Employment Relations Board to conduct an election, pursuant to Section 111.70 of the Wisconsin Statutes, among certain employees of Milwaukee County; and a hearing on such petition having been conducted at Milwaukee, Wisconsin, on January 13, 1966, by Kenneth R. Loebel, Examiner; and the Board having considered the evidence and being satisfied that a question has arisen concerning representation for certain employees of the Municipal Employer named above;

NOW, THEREFORE, it is


DIRECTED

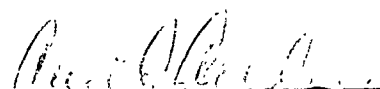
That an election by secret ballot shall be conducted under the direction of the Wisconsin Employment Relations Board within sixty (60) days from the date of this Directive in the collective bargaining unit consisting of employees of Milwaukee County occupying the classifications of Pharmacist I and Pharmacist II, but excluding supervisors, and all other employees, who were employed by the Municipal Employer on January 8, 1966, except such employees as may prior to the election quit their employment or be discharged for cause for the purpose of determining whether a majority of such employees desire to be

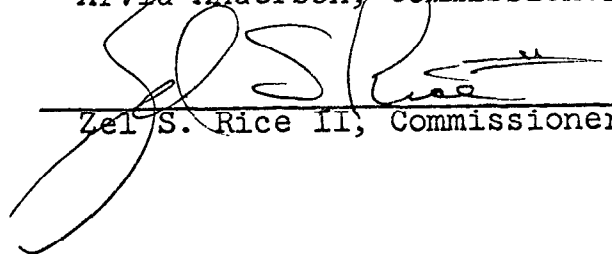
represented by Milwaukee District Council 48, AFSCME, AFL-CIO for the purposes of conferences and negotiations with the above named Municipal Employer on questions of wages, hours and conditions of employment.

Given under our hands and seal at the City of Madison, Wisconsin, this 7th day of February, 1966.

WISCONSIN EMPLOYMENT RELATIONS BOARD

By 
Morris Slavney, Chairman


Arvid Anderson, Commissioner


Zel S. Rice II, Commissioner



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MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

The petitioner seeks a unit consisting of the classifications of Pharmacist I and Pharmacist II in the employ of Milwaukee County. The incumbents of said positions are employed in the departments making up part of the "County Institutions" of the Municipal Employer. In a previous election proceeding^{1/} the Board determined that the classification of Pharmacist III was supervisory, and that it and the Pharmacist I and Pharmacist II positions were professional positions. The Municipal Employer contends that the Pharmacist I and Pharmacist II positions should be in a unit consisting of the following:

All professional craft employees employed by Milwaukee County in the following classifications: Dietitian I, Medical Record Librarian I, Medical Technologist I, Occupational Therapist I, Physical Therapist I, Music Therapist, Microbiology Technologist, Chemistry Technologist, and Pharmacists I and II, but excluding supervisors and all other employees.

The Municipal Employer bases its contention that the above described unit is appropriate for the reason that the classifications therein are the professional classifications which have been included by the Municipal Employer in a single group entitled "Technical Group." Said group consists, as can be seen from the positions which the Municipal Employer would include in the unit, of various professions. These professions have no common characteristic

1/ Milwaukee County (7135-A) 8/65.

except that they do require a minimum of a bachelor's degree from an accredited college or university, and in some cases, advanced degrees or internships. The only other common characteristic is that the employees occupying such professional positions perform their professional services for the benefit of patients served in the County Institutions.

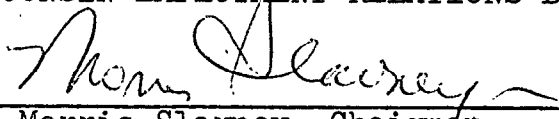
Section 111.70(4)(d) of the Wisconsin Statutes provides in part that "The board shall not order an election among employees in a craft unit except on separate petition initiating representation proceedings in such craft unit." The Board has held that craft units must consist of employees who are practitioners of the same allied craft and must be primarily engaged in the performance of tasks requiring the exercise of their particular craft skills.^{2/} The Board has previously held that professional employees are to be considered as falling within the definition of the term "craft" within the meaning of Section 111.70(4)(d).^{3/}

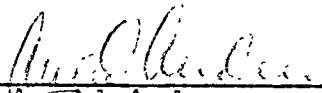
Therefore, the unit herein must be limited to those professional, non-supervisory pharmacists, and all other professional employees in the "Technical Group" are to be excluded from said unit for the reason that in the performance of their duties, they are not exercising the professional skills normally exercised by the pharmacists.

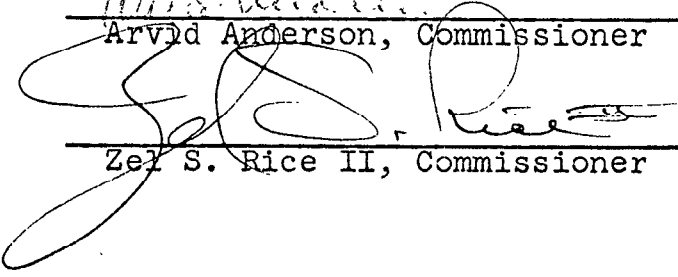
Dated at Madison, Wisconsin, this 7th day of February, 1966.

WISCONSIN EMPLOYMENT RELATIONS BOARD

By


Morris Slavney, Chairman


Arvid Anderson, Commissioner


Zel S. Rice II, Commissioner

2/ Winnebago County Hospital (6043) 7/62; City of Milwaukee (6252), 2/63.

3/ Winnebago County Hospital (6043) 7/62; City of Wausau (6276), 3/63.