

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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 In the Matter of the Petition of :
 WISCONSIN COUNCIL OF COUNTY AND MUNICIPAL :
 EMPLOYEES, AFSCME, AFL-CIO, :
 Involving Certain Employes of :
 MONROE COUNTY employed in the MONROE COUNTY :
 HOSPITAL, MONROE COUNTY INFIRMARY AND :
 MONROE COUNTY HIGHWAY DEPARTMENT. :
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Case I
 No. 11591 ME-321
 Decision No. 8166

Appearances: Mr. Gordon Chapman, Representative, Wisconsin Council,
 AFSCME, for the Petitioner.
Mr. Donald L. Goodman, District Attorney, for the Employer.

DIRECTION OF ELECTIONS

Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, having filed a petition with the Wisconsin Employment Relations Commission wherein it requested that the Commission conduct an election pursuant to Section 111.70 of the Wisconsin Statutes among all employes of the Monroe County Hospital and the Monroe County Highway Department, excluding the superintendent, highway commissioner, supervisory personnel, and all confidential clerical employes; and the hearing on such petition having been conducted at Sparta, Wisconsin, on August 10, 1967, by Commissioner Zel S. Rice II; and the Commission having considered the evidence and being satisfied that questions have arisen concerning the appropriate collective bargaining units and concerning representation for certain employes of Monroe County;

NOW, THEREFORE, it is

DIRECTED

That elections by secret ballot shall be conducted under the direction of the Wisconsin Employment Relations Commission within sixty (60) days from the date of this directive among the employes in the following voting groups for the purposes stated herein:

VOTING GROUP NO. 1

All employes employed by Monroe County in its Highway Department, excluding the highway commissioner, supervisory personnel, and all confidential and clerical employes, who were employed by the Municipal Employer on September 1, 1967, except such employes as may prior to the elections quit their employment or be discharged for cause, for the purpose of determining:

- (1) Whether a majority of such employes desire to constitute themselves a collective bargaining unit separate and apart from other employes of the Municipal Employer, and
- (2) Whether a majority of the employes voting in said voting group desire to be represented by Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, for the purposes of conferences and negotiations with Monroe County on questions of wages, hours and conditions of employment.

VOTING GROUP NO. 2

All employes employed by Monroe County in its Hospital and Infirmary, excluding the superintendent, assistant superintendent, supervisory personnel, professional nurses, confidential and clerical employes who were employed by the Municipal Employer on September 1, 1967, except such employes as may prior to the election quit their employment or be discharged for cause, for the purpose of determining:

- (1) Whether a majority of such employes desire to constitute themselves a collective bargaining unit separate and apart from other employes of the Municipal Employer, and
- (2) Whether a majority of the employes voting in said voting group desire to be represented by Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, for the purposes of conferences and negotiations with Monroe County on questions of wages, hours and conditions of employment.

Given under our hands and seal at the City of Madison, Wisconsin, this 1st day of September, 1967.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

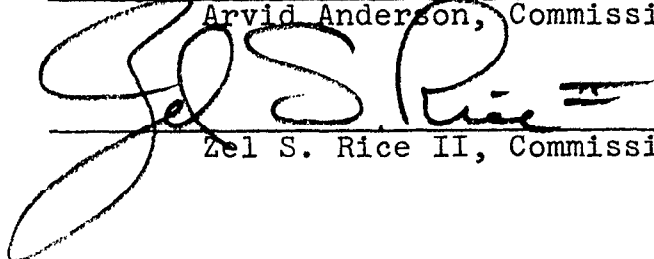
By



Morris Slavney, Chairman



Arvid Anderson, Commissioner



Zel S. Rice II, Commissioner

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MEMORANDUM ACCOMPANYING DIRECTION OF ELECTIONS

In its petition the Union sought an election among employes employed by Monroe County in its Hospital and Highway Department. During the course of the hearing, the Union amended its complaint to also include in the desired unit employes of the Monroe County Infirmary. An issue was raised by the Municipal Employer with respect to the appropriateness of the unit desired by the Union. The desired unit would omit employes of Monroe County who are employed in other departments thereof and who would otherwise be eligible to participate in an election to determine bargaining representatives. Furthermore, the Municipal Employer takes the position that the Hospital, Infirmary and Highway Department constitute separate departments of the Municipal Employer. Whenever a petition for election is filed with the Commission, wherein the petitioner requests an election among certain employes not constituting all the employes of the municipal employer and where an issue is raised as to the appropriateness of the desired unit, the Commission's role is limited to determining whether a group of employes set out as being an appropriate bargaining unit does, in fact, constitute a separate division, department, or plant of a municipal employer. The employes involved, if they do constitute a separate division, department, or plant, are given the opportunity to determine for themselves whether they desire to constitute a separate collective bargaining unit.^{1/}

^{1/} Dodge County Hospital, Dec. No. 6067, 7/62; City of Kenosha, Dec. No. 7424, 1/66.

The parties stipulated that the Highway Department was a separate and distinct department of the Municipal Employer. The Union contends that the Hospital and Infirmary constitute a single department, while the Municipal Employer argues that they are each a separate and distinct department.

Both the Hospital and Infirmary come under the overall supervision of the Monroe County Institutions' Board of Trustees, and the specific supervision of the superintendent and assistant superintendent. Both institutions occupy contiguous facilities. While each institution has its own budget and payroll, the composition of the staff of each institution and the work performed is similar. Wages and other conditions of employment, as well as fringe benefits, are in most instances uniform. While there is no general interchange of employes between both institutions, the Hospital's painter also performs such work for the Infirmary, while the Hospital's baker also bakes bread for the Infirmary. The Infirmary is charged for the services of said employes. Produce raised on the farm operated by the Hospital is used by the Infirmary and the latter institution is charged therefor.

We conclude that the operation of the Hospital and Infirmary are sufficiently integrated and are sufficiently similar in nature and that the employes therein have substantially similar conditions of employment and constitute a "single" department of the Municipal Employer.^{2/}

The Union also desired to include non-supervisory professional nurses in its unit. Registered and graduate nurses are professional employes and can only be included in a unit consisting of their own "craft".^{3/}

Since the unit sought by the Union does not consist of all the otherwise eligible employes of the Municipal Employer, the employes in the Highway Department and in the Hospital and Infirmary cannot constitute a separate bargaining unit. The Commission is, therefore, directing votes in two separate voting groups consisting of (1) those otherwise eligible employes of the Highway Department, and (2) those otherwise eligible employes employed in both the Hospital and Infirmary, to determine whether the employes in each of said voting groups desire to constitute bargaining units separate and apart from the remaining employes of the Municipal Employer.

As required by the statute a majority of employes eligible to vote must vote in favor of the separate unit. Lacking such a majority, the separate unit cannot be established.

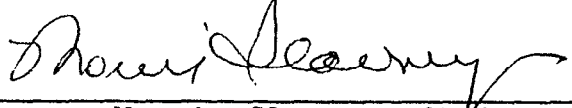
^{2/} Eau Claire County Home, Dec. No. 6183, 12/62.

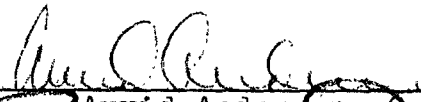
^{3/} Outagamie County Hospital, Dec. No. 6076, 8/62.

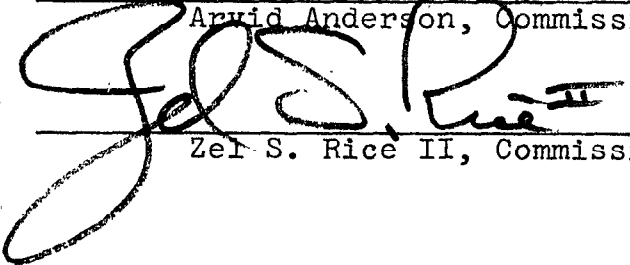
The Commission is also directing an election to determine bargaining representatives among the same two groups of employes, and the employes involved will be given both a unit ballot and a representation ballot to indicate their choice. However, the ballots to determine bargaining unit will be initially tallied for each of the two groups. Should a majority of the employes in any group fail to vote in favor of the separate unit, then the representation ballots in that particular group will be impounded and not tallied.

Dated at Madison, Wisconsin, this 1st day of September, 1967.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 
Morris Slavney, Chairman


Arvid Anderson, Commissioner


Zel S. Rice II, Commissioner

