

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Case V
No. 11684 ME-329
Decision No. 8330

The above named Petitioner having petitioned the Wisconsin Employment Relations Commission to conduct an election, pursuant to Section 111.70 of the Wisconsin Statutes, among certain employes of the above named Municipal Employer; and a hearing on such petition having been conducted at Racine, Wisconsin, on October 24, 1967, by Herman Torosian, Examiner; and during the course of the hearing the parties having stipulated to the unit appropriate for collective bargaining; and the Commission having considered the evidence and being satisfied that a question has arisen concerning representation for certain employes of the Municipal Employer named above;

DIRECTED

That an election 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 in the collective bargaining unit consisting of all regular full-time and regular part-time registered professional nurses working 600 hours or more per year employed by Racine County (Institutions), excluding the Director of Nursing Service and all other employees of the Municipal Employer, who were employed by the Municipal Employer on December 27, 1967,^{1/} except such employees as may prior to the election quit their employment or be discharged for cause, for the purpose of determining whether or not a majority of such employees desire to be represented by Wisconsin


1/ Since more than two months has elapsed since the date of the hearing, the agreed eligibility date, the Commission has established the eligibility date as the date of this directive.

Nurses Association, Incorporated for the purposes of conferences and negotiations with the above named Municipal Employer on questions of wages, hours and conditions of employment.

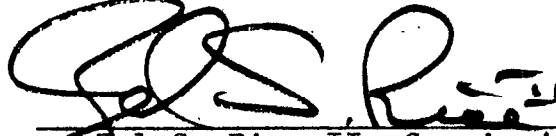
Given under our hands and seal at the City of Madison, Wisconsin, this 27th day of December, 1967.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By



Morris Slavney, Chairman



Zel S. Rice II, Commissioner

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

WISCONSIN NURSES ASSOCIATION,
INCORPORATED

Involving Employees of

RACINE COUNTY (INSTITUTIONS)

Case V
No. 11684 ME-329
Decision No. 8330

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

During the course of the hearing, the parties stipulated to the description of the appropriate collective bargaining unit and that the following seven employees: Ruth Hotson, Jean Smithback, Eunice Jacquish, Faith Swanson, Nancy Newman, Dorothy Rasmussen and Joan Hyde are employees within the description of the stipulated bargaining unit. However, an issue arose as to the supervisory status of Ruth Fischer, Margaret Jensen and Ella Harvey.

The Petitioner contends that, although the latter three individuals have supervisory titles, the duties performed by them are not so supervisory as to exclude them from the eligibles in the unit.

When issues arise over the supervisory status of employees, the Commission will look behind their job titles to determine whether the employees are actually supervisors.^{2/}

The Commission, in determining whether an employee is a supervisor, considers the following factors:

1. The authority to effectively recommend the hiring, promotion, transfer, discipline or discharge of employees.
2. The authority to direct and assign the work force.
3. The number of employees supervised and the number of other persons exercising greater, similar or lesser authority over the same employees.
4. The level of pay, including an evaluation of whether the supervisor is paid for his skill or for his supervision of employees.
5. Whether the supervisor is primarily supervising an activity or is primarily supervising employees.

^{2/} Village of Shorewood (6552) 11/63.

6. Whether the supervisor is a working supervisor or or whether he spends a substantial majority of his time supervising employees.
7. The amount of independent judgment and discretion 3/ exercised in the supervision of employees.

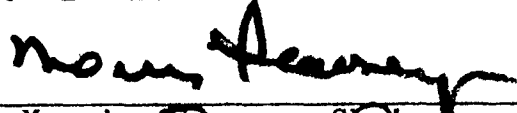
The duties performed by the nurses in question, on a typical day, are as follows: A general survey of ward conditions, so far as patient care is concerned, is made; treatments are given; rounds are made with doctors; patients are discussed with psychiatrists and made available for consultation with the psychiatrists; orders which are left by the doctors are copied and put in proper places; medicine cards and individual charts are maintained for each patient; and decisions are made as to what clinic a patient should attend and which patients should be seen by a doctor. In addition, the nurses in issue are subject to emergency calls.

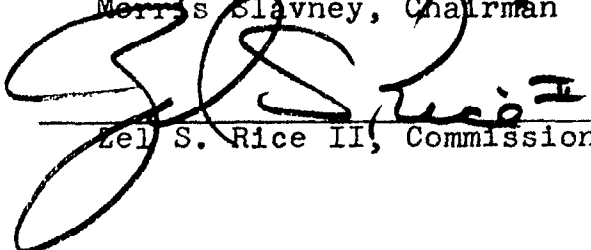
Almost all their time is spent in performing regular nursing duties. A very small per cent of their time is spent in directing and supervising licensed practical nurses and aides, but their supervisory function is limited to the area of coordinating patient care, a duty shared by other registered nurses as well as the nurses in issue. Beyond the area of patient care the three nurses in question have very little supervisory authority. They do not have the authority to effectively recommend the hiring, promotion, transfer, discipline or discharge of employees.

In light of the duties performed by the three nurses in issue, we conclude that they are not supervisors within the meaning contemplated by the statute, but are comparable to working supervisors, and thus will be included among the eligibles in the bargaining unit.

Dated at Madison, Wisconsin, this 27th day of December, 1967.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 
Morris Slavney, Chairman


Zel S. Rice II, Commissioner

3/ City of Milwaukee (Engineers) (6960) 12/64.