

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

LA CROSSE COUNTY HOSPITAL EMPLOYEES,
AFSCME, AFL-CIO

Involving Employees of

LA CROSSE COUNTY (HOSPITAL)
West Salem, Wisconsin

Case VII
No. 11799
ME-350
Decision No. 8341

DIRECTION OF ELECTION

LaCrosse County Hospital Employees, AFSCME, AFL-CIO, having filed with the Wisconsin Employment Relations Commission a petition requesting that an election be conducted pursuant to Section 111.70 of the Wisconsin Statutes among certain employees of LaCrosse County Hospital, and hearing on such petition having been conducted at LaCrosse, Wisconsin, on December 5, 1967, Commissioner Zel S. Rice II appearing for the Commission; and the Commission having considered the evidence and being satisfied that a question has arisen concerning representation for certain employees of LaCrosse County Hospital;

NOW, THEREFORE, it is

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 among all employees of LaCrosse County Hospital, West Salem, Wisconsin, excluding the superintendent, assistant superintendent, registered nurses, and confidential clerical personnel who were employed by the Municipal Employer on January 3, 1968, 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 for the purposes of collective bargaining by LaCrosse County Hospital Employees, AFSCME, AFL-CIO.

Given under our hands and seal at the
City of Madison, Wisconsin, this 3rd
day of January, 1968.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Morris Slawney
Morris Slawney, Chairman

Zel S. Rice II
Zel S. Rice II, Commissioner

William R. Wilberg
William R. Wilberg, Commissioner

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MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

LaCrosse County Hospital Employees, AFSCME, AFL-CIO, filed a petition requesting the Commission to conduct a representation election among all employes of LaCrosse County Hospital, excluding supervisory personnel, registered nurses, physician, and confidential clerical employes. During the course of the hearing the Municipal Employer contended that the Licensed Practical Nurse, Elvira Ness, performed supervisory duties and, therefore, should be excluded from the unit. The Union contended that the Housekeeper, Mary Antone, was a supervisor and that she should be excluded from the unit.

The agreed supervisory personnel of the Municipal Employer included the Superintendent, Assistant Superintendent, Registered Nurses, and Physician. The Licensed Practical Nurse works on a shift which commences at 2:00 P.M. and runs through 10:00 P.M. She is supervised by the aforementioned supervisory employes. The salary range of position of Licensed Practical Nurse ranges from \$300 to \$390 per month. The current Licensed Practical Nurse is earning \$350 per month. She obtains orders from the Physician or Registered Nurses with respect to the treatment to be given to the various patients and delivers these instructions to the various wards where they are given to the Attendants who perform the duties required of them. The Licensed Practical Nurse, as well as the Attendants, take patient temperatures and apply ointment or other medication per instructions. The Licensed Practical Nurse takes patient blood pressures, a task not assigned to the Attendants. The Attendants keep charts in the wards on each patient, and the Licensed Practical Nurse prepares a chart for each patient for the use of the Physician, with information taken from the charts kept

by the Attendants. If the Attendants feel that a physician is necessary for the patient, they advise the Licensed Practical Nurse, who then determines whether such is necessary, and if there is any question in her mind, the Licensed Practical Nurse contacts the Registered Nurse who is on duty. The Attendants who are on duty during the Licensed Practical Nurse's shift are required to perform housekeeping chores, as well as assist the Licensed Practical Nurse in carrying out physicians' orders. The Attendants, in their housekeeping and cleaning duties, are supervised by the Assistant Superintendent. With respect to patient care, the Registered Nurse or Physician instructs the Licensed Practical Nurse, who relays such instructions to the Attendants. The Licensed Practical Nurse has no authority to settle grievances, to give days off, or to arrange vacations. While the Assistant Superintendent testified that the Licensed Practical Nurse has the authority to effectively recommend personnel action with respect to Attendants, she has never been advised of such authority and has never exercised same, nor has she ever been consulted by any supervisory personnel with respect thereto. The Licensed Practical Nurse spends the vast majority of her time performing duties similar to those performed by the Attendants, in addition to some technical assignments because of her additional training. The salaries of the Attendants range from \$295 to \$350 per month. Most of the Attendants presently employed are receiving only \$5 a month less than does the Licensed Practical Nurse. We are satisfied that the Licensed Practical Nurse is not a supervisory employee, and, therefore, is to be considered within the bargaining unit.

The Housekeeper performs routine housekeeping activities and assists in routine office duties, as well as performing related work under general supervision. She hand and machine sews wearing apparel for patients, serves as an office receptionist, directing visitors and answering phones, and assists with minor accounting records, in addition to keeping records and making reports. She advises ward Attendants of their housekeeping duties and checks as to their performance. However, the Housekeeper does not direct Attendants in the performance of their duties or discipline them in any way. She does not possess the authority to effectively recommend their hiring, discharge or promotion. The salary range of the Housekeeper is identical to that of the Attendants. The nature of her work is such that she is not a supervisory employee, and she is to be included in the unit.

Dated at Madison, Wisconsin, this 3rd day of January, 1968.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Morris Slawney
Morris Slawney, Chairman

Leif S. Rice II
Leif S. Rice II, Commissioner

William R. Wilberg
William R. Wilberg, Commissioner