

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

WISCONSIN NURSES ASSOCIATION, INC.

Involving Professional Nurses in the
employ of

UNIVERSITY OF WISCONSIN (UNIVERSITY HOSPITALS),
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
(PUBLIC WELFARE AND BOARD OF HEALTH), DEPARTMENT:
OF VETERANS AFFAIRS, DEPARTMENT OF REGULATION
AND LICENSING (DIVISION OF NURSES), DEPARTMENT
OF PUBLIC INSTRUCTION, AND STATE UNIVERSITIES
OF THE STATE OF WISCONSIN

Case I
No. 11515 SE-11
Decision No. 8345-C

Appearances:

Roberts, Boardman, Sunr & Curry, Attorneys at Law, by
Mr. Bradway A. Liddle, Jr., appearing on behalf of the
Wisconsin Nurses Association, Inc.
Brady, Tyrrell, Cotter & Cutler, Attorneys at Law, by
Mr. Fred G. Groiss and Mr. Gene Vernon, Attorney for
State of Wisconsin Division of Employment Relations of
Counsel, appearing on behalf of the State Employer.

ORDER DETERMINING ELIGIBLES AND EXTENDING
TIME FOR CONDUCT OF ELECTIONS

The Wisconsin Employment Relations Commission having heretofore
and on January 22 and February 15, 1968, issued a Direction of
Elections and Order Amending Direction of Elections in the above
entitled matter; and having further, pursuant to an Order issued
by it, conducted a hearing on May 1, 1968, to take evidence with
respect to whether certain classifications and the individuals
occupying same were to be included or excluded from the appropriate
collective bargaining unit involved herein, and thus with respect
to their eligibility to participate in the various elections; and
the Commission having reviewed the evidence and arguments of counsel
and being fully advised in the premises makes and issues the following

ORDER

IT IS HEREBY ORDERED that the professional nurses occupying
the classifications noted below are eligible to participate in the
various elections involving the following appropriate collective
bargaining units:

No. 8345-C

Unit No. 1 - University of Wisconsin (University Hospitals)

Graduate Nurse-General Hospital III
Graduate Nurse-General Hospital II
Graduate Nurse-General Hospital I

Unit No. 2 - Department of Health and Social Services

Mendota State Hospital

All Graduate Nurse II positions and the following:

Education - Graduate Nurse IV (Instructor)
In-Service - Graduate Nurse III (Instructor)
Graduate Nurse III (Employee Health Nurse)

Winnebago State Hospital

All Graduate Nurse II positions and the following:

Education - Graduate Nurse IV (Assistant Director)
Graduate Nurse III (Instructor)
Graduate Nurse III (Medical Records Project)
In-Service - Graduate Nurse IV (Assistant Director)
Graduate Nurse III (Instructor)

Central State Hospital

All Graduate Nurse II positions and the following:

Graduate Nurse III (Head Nurse)
Graduate Nurse III (Night Nurse)

Children's Treatment Center

All Graduate Nurse II and Graduate Nurse III positions.

Central Wisconsin Colony

All Graduate Nurse II positions and the following:

In-Service - Graduate Nurse IV (Assistant to Asst. Director)
Graduate Nurse IV (Instructor)
Graduate Nurse III (Instructor)
Graduate Nurse III (Employee Health Nurse)
Public Health Nurse

Northern Wisconsin Colony

All Graduate Nurse II positions and the following:

Graduate Nurse III (Employee Health Nurse)
Graduate Nurse III (In-Service Training)

Southern Wisconsin Colony

All Graduate Nurse II positions and the following:

Graduate Nurse IV (In-Service)
Graduate Nurse III (Employee Health Nurse)

All Graduate Nurse positions in the following institutions and divisions:

Wisconsin State Prison

Graduate Nurse IV
Graduate Nurse III

Wisconsin State Reformatory

Graduate Nurse IV
Graduate Nurse III

Wisconsin Correctional Institution

Graduate Nurse IV
Graduate Nurse II

Wisconsin Home for Women

Graduate Nurse III

Wisconsin School for Girls

Graduate Nurse III
Graduate Nurse II

Wisconsin School for Boys

Graduate Nurse II

Kettle Moraine Boys School

Graduate Nurse II

Division of Public Assistance

Graduate Nurse IV

Division of Children & Youth

Graduate Nurse II

Division of Mental Hygiene

Graduate Nurse V
Graduate Nurse IV

Division of Health

Graduate Nurse IV
Public Health Nurse IV
Public Health Nurse III
Public Health Nurse II
Health Education Specialist

Unit No. 4^{1/} - Department of Veteran Affairs

Graduate Nurse II

Unit No. 5 - Department of Regulation and Licensing
(Division of Nurses)

Graduate Nurse VI
Graduate Nurse V
Graduate Nurse IV

Unit No. 6 - Department of Public Instruction

Graduate Nurse III
Graduate Nurse II
Graduate Nurse I
Health Education Specialist

Unit No. 7 - State Universities

Graduate Nurse II
Graduate Nurse I

IT IS FURTHER ORDERED that the professional nurses occupying the classifications noted below are not eligible to participate in the various elections involving the following appropriate collective bargaining units:

^{1/} There is no Unit No. 3. The former Board of Health, which was originally Unit No. 3, was combined with Unit No. 2 (Dec. No. 8345-A).

Unit No. 1 - University of Wisconsin (University Hospitals)

Those having professorial, associate professorial, instructor or lecturer status, and those holding the title of Director of Nursing Services and Associate Director of Nursing Services, and the following:

Graduate Nurse-General Hospital V
Graduate Nurse-General Hospital IV

Unit No. 2 - Department of Health and Social Services

All Graduate Nurse VI, V, IV and III positions, except those Graduate Nurse IV and Graduate Nurse III positions specifically included in the unit, as heretofore indicated.

Unit No. 4 - Department of Veteran Affairs

Graduate Nurse V (Director)
Graduate Nurse III (Assistant Director)

Unit No. 5 - Department of Regulation and Licensing
(Division of Nurses)

Director

Unit No. 6 - Department of Public Instruction

None

Unit No. 7 - State Universities

None

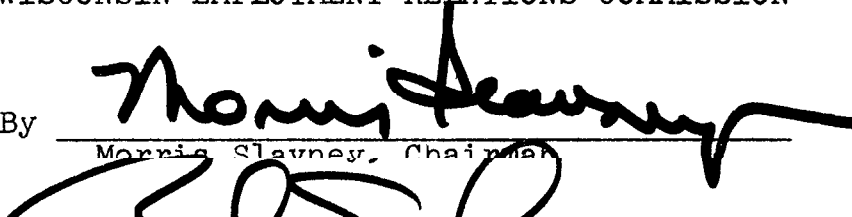
In addition, professional nurses in unclassified or limited term employment are generally not eligible.

IT IS ALSO FURTHER ORDERED that the time for the conduct of the elections directed in the instant matter be extended for a period of sixty (60) days from the date hereof.

Given under our hands and seal at the
City of Madison, Wisconsin, this 15th
day of August, 1968.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slawney, Chairman

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

UNIVERSITY OF WISCONSIN (UNIVERSITY HOSPITALS),
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
(PUBLIC WELFARE AND BOARD OF HEALTH), DEPARTMENT
OF VETERANS AFFAIRS, DEPARTMENT OF REGULATION
AND LICENSING (DIVISION OF NURSES), DEPARTMENT
OF PUBLIC INSTRUCTION, AND STATE UNIVERSITIES
OF THE STATE OF WISCONSIN

Case I
No. 11515 SE-11
Decision No. 8345-C

On January 22 and February 15, 1968, the Commission, respectively on said dates, issued a Direction of Elections and Order Amending Direction of Elections, wherein it directed elections to be conducted among all professional nurses employed by the State in its various agencies, namely, University of Wisconsin (University Hospitals), Department of Health and Social Services, Department of Veterans Affairs, Department of Regulation and Licensing (Division of Nursing), Department of Public Instruction, and State Universities. Following the issuance of said Directions, members of the Commission's staff met with representatives of the parties in efforts to reach an agreement with respect to issues which had arisen during the initial hearing in this matter, namely, whether Graduate Nurses-General Hospital IV employed by University of Wisconsin (University Hospitals) and Graduate Nurses IV and III in the employ of the Department of Health and Social Services were supervisors within the meaning of Section 111.81(15) of the State Employment Labor Relations Act and, therefore, not eligible to participate in the representation elections involved. Efforts to reach a mutual agreement with regard to said issues were not fruitful, and subsequently the Commission conducted an additional hearing thereon on May 8, 1968, to take evidence with regard to the duties of the classifications in issue. Prior to the hearing the parties agreed that the evidence adduced at the initial hearing with respect to the duties of the Graduate Nurse-General Hospital IV was sufficient for the Commission to make a determination

as to whether those positions were supervisory or non-supervisory. Therefore, the evidence adduced during the May 8 hearing concerned the duties of Graduate Nurse IV and III classifications in the employ of the Department of Health and Social Services.

This memorandum sets forth the employees eligible and not eligible to participate in the various representation elections. The determination is based on the facts and exhibits adduced and introduced during the course of the hearings herein. Issues raised as a result of changes in staffing made since the date of the last hearing can be brought to the Commission's attention through challenges made during the course of the conduct of the elections.

The listing of the positions in this memorandum as being eligible or not eligible to participate in the various elections is not intended as part of the description of the bargaining unit and the exclusions therefrom, but rather to eliminate problems arising in the minds of the employees as to whether they are or are not eligible to participate in the election.

The statutory provisions relating to the issue with respect to supervisors are set forth as follows:

"Section 111.81(12): 'State employee' includes any employee in the classified service of the state, as defined in s. 16.08, except employees who are performing in a supervisory capacity, and individuals having privity to confidential matters affecting the employer-employee relationship, as well as all employees of the board."

"Section 111.81(15): 'Supervisor' means any individual having authority, in the interest of the state employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment."

The Commission previously has set forth^{2/} the following factors to be considered in determining whether an individual is a supervisor:

- "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.

^{2/} City of Milwaukee (Engineers), 6960, 12/64.

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

University of Wisconsin (University Hospitals)

The University Hospitals in its "nursing service" employs professional nurses having the classifications of Graduate Nurse-General Hospital V, IV, III and II, as well as certain titled positions having administrative and supervisory functions over said classifications. The approximate number of regular Graduate Nurse-General Hospital, hereinafter referred to as GN-GH positions are as follows:

<u>Grade</u>	<u>Number</u>
GN-GH V	4
GN-GH IV	33
GN-GH III	18
GN-GH II	287
GN-GH I	6

In addition, there are approximately 350 non-professional employees also employed in "nursing service" in the classifications of Licensed Practical Nurse, Attendant and Orderly. There are 15 "units", each headed by a GN-GH IV. Said individuals are directly responsible to the Director of Nursing Services or an Associate Director of Nursing Services. Three specific "nursing services" are headed by three individuals having the classification of GN-GH V, and five additional specifics are headed by individuals, persons with Professorial, Associate Professorial, Instructor or Lecturer status. Said divisions include from one to four "units", each headed by a GN-GH IV.

In determining whether the GN-GH IV is a supervisory position we must consider the requirements of the position as well as the duties performed by the employees occupying such classifications. The GN-GH IV job description sets forth the following pertinent data.

"Definition:

This is highly responsible professional nursing work in the management and direction of all aspects of the nursing operations in a single ward or patient care unit, the outpatient clinics,

operating room or recovery room. Employees in this class have total responsibility for both day-to-day unit administration and long range planning for the unit in anticipation of future patient care needs. Work is performed with some degree of independence of action limited largely by hospital rules and regulations; general direction is received from the nursing supervisor or, where the foregoing is not present in the chain of command, the central nursing office and the medical staff.

Examples of Work Performed:

. . .

Plans, supervises, directs and is responsible for the operation of a nursing unit.

Schedules, instructs, and evaluates professional and non-professional nursing personnel in a nursing unit.

. . .

Makes rounds to inspect quality and kind of nursing service and patient care.

Interprets hospital policies to patients, visitors, and nursing staff members.

Qualifications

Knowledges, Skills and Abilities:

. . .

Thorough knowledge of the administrative policies and procedures of the hospital.

. . .

Considerable knowledge of effective ward management and supervisory techniques.

. . .

Ability to effectively manage a nursing unit by both long range planning and day-to-day administration.

Ability to supervise, instruct, review and evaluate the work of graduate nurses and non-professional employees assigned to the unit.

. . .

Ability to create and maintain an atmosphere on the unit which fosters effective working relationships among both professional and non-professional employees, and with patients and the public."

The testimony of the Superintendant of University Hospitals reflected that the GN-GH IV, commonly designated as a "head nurse", was considered supervisory; that the GN-GH IV is responsible for assigning, evaluating and utilizing the professional and non-professional employee-patient care team; that no other level of supervision determines when, how and under what conditions the team members will function; that the GN-GH IV has a 24-hour responsibility for patient care in the unit under her supervision; that she can effectively recommend the number of people necessary "to carry out the nursing team function"; that while the GN-GH IV does not hire nor terminate employment, she can effectively recommend termination, she can discipline employees under her supervision; that she is the first step in the grievance procedure, except where she herself is involved in the grievance; that she is responsible for the scheduling of work, vacations and other time off, although leaves of absence must be secured from the GN-GH V or Central Nursing Office.

Three individuals occupying the classification also testified, and their testimony was consistent and supported the testimony of the Superintendent. In addition, their testimony indicated that the GN-GH IV makes assignments, schedules duties, evaluates job performance of subordinates, makes recommendations with regard to merit increases, transfers, suspensions, pressure of work loads and interprets work rules affecting subordinate employees. The GN-GH IV also attends weekly meetings with the Director of Nurses and once-a-month meetings with "head nurse" groups. At the latter meeting new procedures and new policies established by the administration or Central Nursing Office are discussed. Such information is disseminated to subordinate employees by the GN-GH IV. The GN-GH IV occasionally becomes involved in direct patient care, and she accompanies doctors on their rounds. The GN-GH IV schedules employees in the nursing unit and interprets orders and operational decisions to her subordinates.

It appears that the GN-GH IV spends a majority of her time in planning and administering the nursing care program for the patients and employees in the unit which she heads, that a small amount of her time is spent in actual patient care, and that a minority of her time is spent in the day-to-day instruction and supervision of employees. However, the professionals and non-professionals under her direction look upon the GN-GH IV as the "head nurse".

While it appears that the position primarily supervises an activity, the supervision of such activity includes significant supervision of employes in carrying out the activity for which the position is responsible. We are, therefore, satisfied that the GN-GH IV has the authority to recommend hiring, promotion, discipline and discharge of employes, the authority to direct and assign the work force, has considerable supervision over the day-to-day performance of subordinate employes, does not spend any significant time in performing duties performed by subordinate employes, and utilizes independent judgment and discretion in such supervision.

With respect to the number of employes supervised, an examination of "Appendix A", which is attached hereto and which reflects the various positions, with the exception of Director and Associate Director, employed in the various units of the Nursing Service, discloses the following:

In the "units" headed by the GN-GH IV who is directly responsible to the Director of Nursing Service, the GN-GH IV heads a team of subordinate employes ranging from 6.5 to 14.5 professional nurses and from 8 to 14 non-professional employes.

In the departments and units where the GN-GH IV is responsible to either a GN-GH V or others, the units consist of additional professional nurses ranging from 4 to 11 positions and from 3 to 17 non-professional positions.

In the various specific nursing services headed by individuals classified other than GN-GH V, the GN-GH IV "supervises" professional nurses ranging from 10 to 2.3 positions and non-professionals ranging from 10 to 7 positions.

In the various nursing services headed by GN-GH V's, the GN-GH IV position "supervises" in separate units from 11 to 3 professional nurses and from 17 to 3 non-professional positions.

If the GN-GH IV positions were not found to be supervisory, it would be impossible for the employes having higher classifications to properly and adequately supervise the number of employes involved in the various work stations. It would be impossible for the

Director and Associate Director of the nursing service to properly supervise those units which are "headed" by a GN-GH IV who is directly responsible to the Director of Nursing Service. In those units the following number of employees are involved in the following classifications:

GN-GH IV	16
GN-GH III	10
GN-GH II	149
GN-GH I	6
Non-professionals	173

Therefore, we conclude that the GN-GH IV position "supervises" a sufficient number of employees and that the degree of supervision exercised by them does not conflict with supervision exercised by those having higher classifications.

As of July 1, 1967, the monthly salary ranges for the classifications of Graduate Nurse-General Hospital were as follows:

GN-GH I	\$473 - \$613
GN-GH II	\$514 - \$669
GN-GH III	\$554 - \$724
GN-GH IV	\$600 - \$785
GN-GH V	\$651 - \$856

The above salary schedule throws no light on the issue as to whether GN-GH IV's are supervisory since the differences in the various steps are relative.

The Commission is convinced that the duties of the GN-GH IV sufficiently meet the standards established by the Commission with respect to supervisory status and, therefore, said positions, along with GN-GH VI and V, are to be excluded from the unit of professional nurses employed at the University Hospitals.

Department of Health and Social Services

The Department of Health and Social Services employs professional nurses in various grades in the classification of Graduate Nurse, hereinafter referred to as GN, in various institutions, as well as in the Division of Children and Youth, Division of Health, Division of Public Assistance, and the Division of Mental Hygiene. Also employed in the Division of Health are professional nurses classified as Public Health Nurse in various ranges and also classified as Health Education Specialist.

The approximate number of graduate nurses positions in 14 institutions are as follows:

<u>Grade</u>	<u>Number</u>
GN VI	6
GN V	9
GN IV	40
GN III	81
GN II	295

The approximate number of professional nurses employed in the various divisions are as follows:

<u>Grade</u>	<u>Number</u>
GN VI	3
GN V	1
GN IV	16
GN III	-
GN II	2
Public Health Nurse VI	1
V	1
IV	7
III	6
II	1
Health Education Specialist	1

In addition there are approximately 2,125 non-professional employees employed in the nursing services of the various institutions. The professional nurses employed in the above named divisions are not employed in nursing care functions and they are not associated with non-professional nursing care personnel.

The State would exclude from the bargaining unit most of the Graduate Nurses VI, V, IV and III on the basis of their supervisory status. The Wisconsin Nurses Association contends that only the Graduate Nurse VI and V should be excluded and that the Graduate Nurse IV and III are non-supervisory as contemplated in the Statute.

An examination of the Graduate Nurse IV job description sets forth the following pertinent data:

"Nature: Under direction, administers, coordinates and supervises the direct and/or indirect nursing care program; or instructs in the in-service and aid training program and/or in the nursing education program; or serves as a state-wide consultant for a single program of nursing service; and performs related work as required.

Examples: Performs in any of the following areas:

In Nursing Service

1. Directs, supervises and evaluates professional and subprofessional nursing services in a large "area" consisting of a group of wards or cottages on a 24-hour basis.
2. Directs, supervises and evaluates professional and subprofessional nursing services of the entire institution during an afternoon or night shift.

3. Administers the professional nursing service in a large or medium sized institution where the nursing staff does not have supervision of the aids or officers administering both the direct and indirect nursing care program of the patients or inmates."

The Graduate Nurse III job description sets forth the following pertinent data:

"Nature: Under general supervision, directs and supervises the direct and/or indirect nursing care of patients and the professional, subprofessional and volunteer service personnel of a unit or shift in an institution or hospital; or acts as an assistant instructor in a nursing education program; and performs related work as required.

Examples: May perform any of the duties of the Graduate Nurse I or II and in addition performs in either of the following areas:

In Nursing Service

1. Plans, supervises and evaluates the nursing service patient care, and schedules, instructs and supervises professional, subprofessional and volunteer service personnel in a nursing unit.
2. Plans and supervises the services provided in a specialized nursing unit, such as an operating or treatment room, which in all cases includes supervision of professional personnel.
3. Assists and relieves a Graduate Nurse IV:
 - a. In the daily operations and activities of an afternoon or night shift in institutions where "area" supervisors have a 24-hour responsibility.
 - b. Who is regularly scheduled as a shift supervisor and is responsible for carrying out the patient care program and supervising all personnel on that shift.
 - c. Who is responsible for the nursing service provided in an institution or hospital."

The duties and responsibilities of the Graduate Nurse IV and III positions with respect to the criteria established by the Commission in the City of Milwaukee VI are reflected as follows:

1. The authority to effectively recommend the hiring, promotion, transfer, discipline or discharge of employees.

GRADUATE NURSE IV

Graduate Nurses IV have effectively recommended hiring, promotion, transfer, suspension and the discharge of employees. Much of this authority is exercised in the regular and routine use of evaluations. The Graduate Nurses IV review the evaluations made by Graduate Nurses III and also add their own judgments in certain cases.

GRADUATE NURSE III

The Graduate Nurse III has effectively recommended hiring and the retention or non-retention of probationary employees. Although unable to determine the amount of merit increase, for that purpose they evaluate both professional and non-professional personnel. These evaluations are reviewed by the Graduate Nurse IV and additional information may be added, but the Graduate Nurse III's evaluation itself is not altered.

If a Graduate Nurse III finds an intoxicated employe at work, she may send him home for the day. By the same token, she may grant a day's leave. Further discipline or leave may be recommended by the Graduate Nurse III, however, she is required to write a recommendation citing both the facts of the case and the reasons for her recommendation.

2. The authority to direct and assign the work force.

GRADUATE NURSE IV

Graduate Nurse IV have the authority to establish and prepare work procedures which are then effectuated by the Graduate Nurses III. The Graduate Nurse IV also reviews work and vacation schedules drawn up by their subordinates and when necessary will alter these schedules.

GRADUATE NURSE III

In some cases, Graduate Nurse III prepare work schedules subject to review by a superior, but these are not changed without her knowledge. In other situations Graduate Nurse II will make out shift schedules, and the Graduate Nurse III will alter these as they see fit. The Graduate Nurse III controls vacation assignments and may alter the vacation schedule.

3. The number of employes supervised and the number of other persons exercising greater similar or lesser authority over the same employes.

Attached hereto and marked Appendix "B" is a tabulation reflecting the number of Graduate Nurse positions and non-professional positions employed throughout the Department of Health and Social Services.

GRADUATE NURSE IV

Although the ratio of supervisors to supervised varies considerably between units and shifts, data provided on the Mendota State Hospital, Winnebago State Hospital, Central State Hospital,

Children's Treatment Center, Central Wisconsin Colony, Northern Wisconsin Colony and Southern Wisconsin Colony, where the vast majority of professional nurses are employed, indicates an overall ratio of Graduate Nurses IV to employees "supervised" of one to seventy-four employees. For the same areas there is an overall ratio of one Graduate Nurse III to thirty-six "supervised" employees; one Graduate Nurse V to two hundred and thirty employees; and one Graduate Nurse VI to every three hundred and fifty employees. A majority of the employees so "supervised" are non-professional employees engaged in the nursing services of said institutions.

In contrast to Graduate Nurses III, the Graduate Nurses IV usually administer a substantially broader area. Furthermore, they attend supervisory meetings from which the Graduate Nurse III is excluded.

GRADUATE NURSE III

As noted above, the Graduate Nurses III are in an overall ratio of one to thirty-six employees "supervised". The Graduate Nurse III often exercises authority that approaches in quantity the authority of the Graduate Nurse IV, and occasionally they divide the supervisory responsibility. Like the Graduate Nurse IV, the Graduate Nurse III spends very little time in direct nursing care.

4. The level of pay including an evaluation of whether the supervisor is paid for his skill or for his supervision of employees.

GRADUATE NURSE IV AND GRADUATE NURSE III

As of July 1, 1967, monthly salary ranges for the classifications of Graduate Nurses were as follows:

Graduate Nurse I	\$473 - \$ 613
Graduate Nurse II	\$514 - \$ 669
Graduate Nurse III	\$600 - \$ 785
Graduate Nurse IV	\$651 - \$ 846
Graduate Nurse V	\$763 - \$ 993
Graduate Nurse VI	\$906 - \$1,181

It is to be noted that the salary range for the Graduate Nurse III is identical to the salary range for the Graduate Nurse-General Hospital IV classification, and that the difference in the salary range between the Graduate Nurse III and the Graduate Nurse II, at the maximum level, amounts to \$114, and the difference in the maximums of the Graduate Nurse-General Hospital IV and Graduate Nurse-General Hospital III amounts to only \$61.

Graduate Nurses III have a job description which is entirely supervisory and places a heavy emphasis on her assistance and relief of Graduate Nurses IV. Graduate Nurses IV are given a wide area of supervision and certain administrative duties. Graduate Nurses V are completely administrative.

The descriptions of skills and abilities of Graduate Nurses II through V place a split emphasis on professional and supervisory tasks. However, throughout all of the grades there are increasing requirements for supervisory authority. Graduate Nurses IV and V are also required to have considerable or thorough knowledge of institutional management and of the administration of a nursing service in a large hospital.

5. Whether a supervisor is primarily supervising an activity or is primarily supervising employes.

GRADUATE NURSE IV

The record indicates that direct supervision of employes is a minor part of the Graduate Nurses IV's responsibilities, although administratively the Graduate Nurses IV exercise substantial authority over both activities and personnel.

GRADUATE NURSE III

The Graduate Nurse III performs three interrelated roles. She supervises employes in personnel matters such as discipline and promotion. She also supervises the nursing care activities of employes in her area. She is occasionally involved in direct care either individually or as a member of a team or therapy group.

A review of "Appendix B" discloses that a majority of Graduate Nurses III positions in the larger institutions operated by the Department of Health and Social Services are the only front-line "supervisors" in the various floors, wards or cottages in which they are employed. The Graduate Nurse IV is responsible for larger units engaged in nursing services. While generally the Graduate Nurse III position is responsible for the nursing care activity in the area assigned to her, she is also responsible for supervising the employes in that area. It is quite significant that in the various nursing services there are no non-professional supervisory positions who supervise other non-professional employes therein.

6. Whether the supervisor is a working supervisor or whether he spends a substantial majority of his time supervising employes.

GRADUATE NURSE IV

The record indicates that in administrative and supervisory tasks as opposed to professional tasks, the Graduate Nurse IV spends somewhat less than half of her time. However, the remaining time is spent in professional tasks that are unlike those of the Graduate Nurse III. Almost no time is spent on direct patient care.

GRADUATE NURSE III

On the whole, the Graduate Nurse III does little direct nursing care. A substantial amount of the work performed by the Graduate Nurse III is of a professional nature indirectly related to patient care. A total amount of about one-half of her time is spent doing non-supervisory tasks. Personnel supervisory work was estimated at 20 to 25 percent of the time of the Graduate Nurse III.

It is obvious from the record that the Graduate Nurse III performs very little work in the area performed by non-professional employees.

7. The amount of independent judgment and discretion exercised in the supervision of employees.

GRADUATE NURSE IV

The Graduate Nurse IV exercises considerable independent judgment and discretion.

GRADUATE NURSE III

The Graduate Nurse III also has considerable discretion in the exercise of her authority. She may adjust grievances at the ward level without consulting or informing the Graduate Nurse IV. She may interpret a rule if she feels competent to do so. She may grant a day off or a sick day. However, she does not use her judgment independently to grant extended leave..

SUMMARY AND DISCUSSION OF THE EVIDENCE

It is clear that both Graduate Nurses IV and III exercise supervisory authority over personnel. They effectively recommend hiring, firing, promotion and retention of employees, and they direct and assign the work force within the limits of certain established procedures and regulations. Furthermore, the ratio of supervisors to supervised would strongly argue that they are supervisors, and there appears to be a clear distinction in pay and duties of these two grades of nurses when compared with the Graduate Nurse II positions.

Graduate Nurses IV, however, differ from the Graduate Nurses III in both the amount of authority exercised and, even more importantly, in the kind of authority exercised. The work of the Graduate Nurse IV clearly has administrative characteristics which the role of the Graduate Nurse III does not have. Graduate Nurses IV aid the Graduate Nurses V in their administrative duties. The Graduate Nurse IV's lack of direct contact with the non-professional employees or with direct nursing care is a further indication of this nurse's administrative status. The direct effectuation of nursing care rules and procedures is generally left to the Graduate Nurse III.

It is clear that both Graduate Nurses IV and III exercise considerable and significant supervisory authority, and the Graduate Nurse IV exercises administrative authority with respect to personnel as well.

We are satisfied that in the larger institutions the Graduate Nurse III position is the front-line supervisor of the Graduate Nurse II positions and the non-professional employees employed in a specific nursing service unit, ward or floor assigned to the Graduate Nurse III. We cannot believe that the number of positions below the Graduate Nurse III are primarily supervised by the Graduate Nurse IV, V or VI positions. If the non-professional employees employed in the larger institutions were supervised by non-professional classifications, our determination with respect to the Graduate Nurse III might have been different.

While a majority of the employees supervised by the Graduate Nurse III are non-professional who are not included in the unit of professional nurses, there is nothing in the Statute which permits supervisors to be considered as "employees" where a majority of employees supervised are excluded from the unit. The Statute neither contemplates nor permits the establishment of supervisory collective bargaining units.

We conclude that, in general, the Graduate Nurse IV and III positions, as well as the Graduate Nurse VI and V positions, are to be excluded from the eligibles on the basis of their supervisory functions. There are exceptions, as indicated in the Order, to this general determination since some of the Graduate Nurse IV and III positions, as well as one Graduate Nurse V position, in the various institutions and divisions are not engaged in the supervision of any employees, or the supervisory function performed by such individuals is minimal. Further, in four of the institutions

there are individuals occupying the Graduate Nurse III classification as an "Employee Health Nurse". The State would exclude such positions as confidential. While the professional nurse occupying such a position may be privy to the health records of various employes, and while such records may be "confidential", the position is not privy to confidential matters relating to the employer-employee relationship and, therefore, such positions are not excluded from the unit.

Department of Veteran Affairs

The Department of Veteran Affairs employs thirteen nurses engaged in nursing service at the Army Home. The Director who is a Graduate Nurse IV, in addition to 98 non-professional positions, assists in the nursing service. The Director who is a Graduate Nurse IV and the Assistant Director who is a Graduate Nurse III are both considered supervisory. The Graduate Nurse II position is eligible to participate in the election.

Department of Regulation and Licensing (Division of Nurses)

The Division of Nursing is the administrative agent for the Wisconsin State Board of Nursing and several other communities of Examiners. It deals in the area of confidential and nurse education and practice. It evaluates institutions conducting programs for nurse education and it also registers and licenses nurses. The Division has a total employment complement of 13 employes, five of whom are professional nurses. The Director, who is a professional nurse, is excluded from the unit. There was no evidence adduced that the remaining professional nurse classifications, consisting of two Graduate Nurses VI, one Graduate Nurse V and one Graduate Nurse IV perform any supervisory or are engaged in a confidential employee-employer relationship. Therefore, the last three classifications are eligible to participate in the election involving said Division.

Department of Public Instruction

Nurses employed in the Department of Public Instruction are specifically employed in the Bureau of Handicapped Children and the three nurses thus employed perform their duties at the State School for the Blind at Janesville and at the State School for the Deaf at Delavan. There is no evidence which indicated that any of the professional nurses so employed performed such supervisory

duties to exclude them from the eligibles. Therefore, the Graduate Nurse III, II and I positions, as well as the position of Health Education Specialist, if professionally qualified, are to be included as the eligibles in the unit.


State Universities

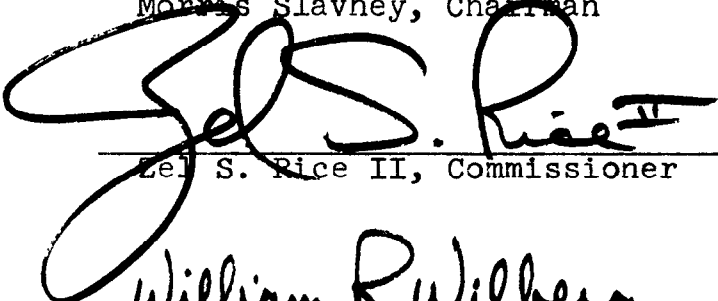
The State Universities employs professional nurses who are engaged in student nursing care. At the time of the hearing there were three Graduate Nurse II and two Graduate Nurse I positions. Said classifications are eligible to participate in the election. Professional nurses employed by the State Universities in either unclassified or limited-term employment are not in the unit and therefore not eligible to participate in the election.

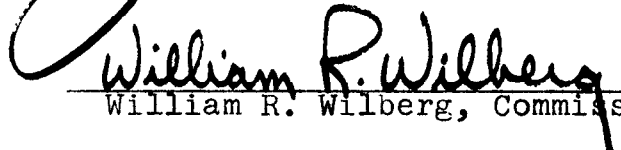
Dated at Madison, Wisconsin, this 15th day of August, 1968.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Zel S. Rice II, Commissioner


William R. Wilberg, Commissioner

Unit	Number of Graduate Nurse- General Hospital Positions			Number of Non-Professional Positions		
	IV	III	II	Practical Nurse	Orderly	Attendant
5 West - Adult Orthopedic Surgery	1	1	8.2	1	1	8
5 East - Opthamology	1	1	9.6	1	1	8
5B - Pulmonary & Dermatology	1	1	8		1	8
4 East - Medicine	1	1	9		1	9
Infirmery 3 - Student Inf. & Gen. Med. & Surg.	1	1	9.6	1	1	8
N & R 3 - Neurology	1	1	7.5	3	3	8
3C - Cardiovascular Surgery	1	1	13.5	5	1	11
3 East - General Surgery	1	1	9	2	1	7
2 East - Neosurgical Unit	1	1	12.5	3	5	9
2 West - General Surgery	1	1	10	2	1	7
3 West - Gynecology	1		8	1	1	7
3B - Obstetrics	1		6.5	1		7
Bradley 3 - Otolaryngology	1		7.6			6
N & R 2 - Rehabilitation	1		7.8		3	5
Operating Rooms	2		22.2	6	9	11(a)

(a) Includes 1 Lab. Technician
1 Orthopedic App. Maker
1 Receptionist

"APPENDIX A"-1

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Specific Nursing Service	Number of Miscellaneous Classifications Heading Specific Service	Number of Graduate Nurse- General Hospital Positions				Number of Non-Professional Positions		
		V	IV	III	II	Practical Nurse	Orderly	Attendant
Psychiatric	Professor 1							
1-B			1		10	2	2	9.5
2-B			1		7.5	4	3	10
Medicine (4 West)	Asso. Professor 1		1		8.6	1	3	8
Medicine	Instructor 1							
Cardiac and Renal Intensive Care) 1	1	7	1	1	8
Children's Hospital) 1	1	9			4
Unit 1	Lecturer 1		1					
Unit 2			1		6	5		9
Unit 3			1		8	5		9
Unit 4			1		5.6	4	4	9
Clinical Oncology			1		2.3	5		7
2-C		1			2			
5-C			1		4			5
6-C			1		8		1	7
General Surgery			1		8		1	7
6-B		1						
6-West			1	1	10.8		1	12
6-Center			1	1	11		4	13
Recovery Room			1		3.1			3
Medicine - 4-B			1		3		2	2
Outpatient Clinics	Asso. Professor 1	1		1	9.6		3	8
			1	3	20	1	2	12(a)

(a) Includes 1 Typist

Miscellaneous

Metabolic Research					2
Central Supply					1
Kidney Dialysis					3
Cardiac Catheterization Laboratory					1
Medical Record Library	3	GN-GH	I		
Chemo-Surgery Unit	1	GN-GH	I		
Student Health Clinic					
UW-Milwaukee	2	GN-GH	I		

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

Nursing Service <u>Mendota State Hospital</u>	Graduate Nurse					Non- Professional
	<u>VI</u>	<u>V</u>	<u>IV</u>	<u>III</u>	<u>II</u>	
Director of Nursing	1			1		
Asst. Director-In-Service		1		1		1
Asst. Director-Education		1	4			3
Asst. Director-Nursing Service		1				
Adolescent Unit			1		1	
Goodland Hall--East				1	6	34
Goodland Hall--West				1	7	39
Adult Unit--East			1			6
Lorenz Hall--2E				1	4	16
Lorenz Hall--3E				1	4	16
Adult Unit--West			1			6
Lorenz Hall--2W				1	4	16
Lorenz Hall--3W				1	4	16
Geriatric Unit			1			
Building 176E				1	5	30
Building 176W				1		8
Adult Unit--Alconolic Program			1	1	6	20
Nursing Service						
Experimental Unit			1		4	27
Night Supervision			1	1	4	53
P.M. Supervision				1	11	54

Nursing Service <u>Winnebago State Hospital</u>	Graduate Nurse					Non- Professional
	<u>VI</u>	<u>V</u>	<u>IV</u>	<u>III</u>	<u>II</u>	
Director of Nursing	1			1	1	
Asso. Director-In-Service		1	1	3		1
Asso. Director-Education		1	1	2		3
Asso. Nursing Service		1				
Adult Program-Sherman Hall-1st Floor			1			
North Cottage				1	2	8
Sherman Hall 1 & 2				1	2	11
Sherman Hall 3 & 4				1	3	12
Kempster Hall-1st Floor			1			
Kempster Hall--1 East				1	2	11
Kempster Hall--1 West				1	2	12
Kempster Hall--2nd Floor			1			
Kempster Hall--2 West				1	3	10
Kempster Hall--2 East				1	3	10
Adult Program-Sherman Hall-2nd Floor			1			
Gordon Hall					1	4
Sherman Hall 5 & 6				1	3	13
Sherman Hall 7 & 8				1	4	12
Adolescent and Alconolic Units			1		1	7
Hughes Hall--A				1	3	19
Hughes Hall--B				1	3	35
Medical-Surgical & Geriatrics			1			
Kempster Hall--3rd				1	4	13
Gordon Hall--North				1	2	18
Gordon Hall--South				1	3	19
Nursing Service						
Evening Supervision			1	1	}40	}170
Night Supervision			1	1		

"APPENDIX B"-1

DEPARTMENT OF HEALTH AND SOCIAL SERVICES (Continued)

Nursing Service <u>Central State Hospital</u>	Graduate Nurse					Non- Professional
	<u>VI</u>	<u>V</u>	<u>IV</u>	<u>III</u>	<u>II</u>	
Chief Nurse		1		2	5	1

Nursing Service <u>Children's Treatment Center</u>	Graduate Nurse					Non- Professional
	<u>VI</u>	<u>V</u>	<u>IV</u>	<u>III</u>	<u>II</u>	
Director of Nursing	1					
Asst. Director of Nursing			1	1	1	
Cottage A						
A-1				1	2	3
A-2				1	2	3
Cottage B						
B-1				1	2	3
B-2				1	2	6

Nursing Service <u>Central Wisconsin Colony</u>	Graduate Nurse					Non- Professional
	<u>VI</u>	<u>V</u>	<u>IV</u>	<u>III</u>	<u>II</u>	
Director of Nursing	1		1		1	1
Asst. Director-In-Service		1	2		2	3
Asst. Director-Patient Care		1				
Area Supervisor-Hospital			1		1	11
Head Nurse-Hospital				1	6	14
Murphy Hall						
Area Supervisor			1			
Murphy Hall-1				1	4	40
Murphy Hall-2				1	4	37
Murphy Hall-3				1	4	36
Murphy Hall-4				1	3	36
Infirmaries 1 - 4			1			
Area Supervisor			1			
Infirmery-1				1	2	44
Infirmery-2				1	2	36
Infirmery-3				1	3	44
Infirmery-4				1	2	44
Infirmaries 5 - 7						
Area Supervisor			1			
Infirmery-5A & D				1	2	26
Infirmery-6A & D				1	2	26
Infirmery-5B & C, 6B & C				1	2	39
Infirmery-7				1	2	26
Evening Supervision			1	1	}34	}367
Night Supervision			1	1		

Nursing Service <u>Northern Wisconsin Colony</u>	Graduate Nurse					Non- Professional
	<u>VI</u>	<u>V</u>	<u>IV</u>	<u>III</u>	<u>II</u>	
Director of Nursing	1			2		8
Hospital Supervisor			1		9	
Day Supervisor				1	2	12
Night Supervisor					2	4
Evening Supervisor				1	2	12
Infirmery Supervisor			1			
1st & 2nd Floor AM				1	5	21
3rd & 4th Floor AM				1	5	21
1st & 2nd Floor PM				1	5	31
3rd & 4th Floor PM				1	5	31
Night Supervision					2	21

"APPENDIX B"-2

DEPARTMENT OF HEALTH AND SOCIAL SERVICES (Continued)

Nursing Service
Southern Wisconsin Colony

	Graduate Nurse					Non-
	<u>VI</u>	<u>V</u>	<u>IV</u>	<u>III</u>	<u>II</u>	<u>Professional</u>
Director of Nursing	1		1	1		3
Asst. Director - Res. Cottages		1				
Residential Care				1		305
Asst. to Dir.-Days						
Cottages 10 & 11				2		2.5
Cottages 8, 9 and 15				2		
Cottages 3, 4, 5, 6 and 7					2	
Cottages 1, 2, 12, 13 and 14					2	
Supervising Nurse-Evenings				1	2	
Supervising Nurse-Nights				1	2	3
Asst. Director Hospital			1			
Supervising Nurse-Days				2	3	24
Supervising Nurse-Evenings				2	3	21
Supervising Nurse-Nights				2		17
Supervising Nurse-Surgery				1	2	3

Nursing Service
Wisconsin State Prison

Graduate Nurse IV (Chief Nurse)
Graduate Nurse III (1)
Non-Professional (1)

Nursing Service
Wisconsin School for Girls

Graduate Nurse III (Head Nurse)
Graduate Nurse II

Nursing Service
Wisconsin State Reformatory

Graduate Nurse IV (Chief Nurse)
Graduate Nurse III (2)
Non-Professional (1)

Nursing Service
Wisconsin School for Boys

Graduate Nurse II (Head Nurse)
Graduate Nurse II

Nursing Service
Wisconsin Correctional Institution

Graduate Nurse IV (Chief Nurse)
Graduate Nurse II (2)
Non-Professional (1)

Nursing Service
Kettle Moraine Boys School

Graduate Nurse II (2)
Employes Other Than Nurses (2)

Nursing Service
Wisconsin Home for Women

Graduate Nurse III (Head Nurse)
Graduate Nurse III (2)
Non-Professional (1)