STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

DISTRICT COUNCIL #48, AFSCME, AFI-CIO

Involving Employes of

COUNTY OF MILWAUKEE (Barbers and Beauticians)

Case XXIV No. 11676 ME-329 Decision No. 8393

Appearances:

 $\frac{Mr. \text{ Harold W. Schmidt}}{\#48, \text{ for the Union.}}$ Assistant Director, District Council

Mr. Robert G. Polasek, Assistant Corporation Counsel, County of Milwaukee, Mr. John Reuter, Assistant Chief Examiner, Milwaukee County Civil Service Commission, for the Employer.

DIRECTION OF ELECTION

District Council #48 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 employes of Milwaukee County hospitals, and hearing on such petition having been conducted at Milwaukee, Wisconsin, on September 27, 1967, Herman Torosian, Hearing Officer, appearing for the Commission; and the Commission having considered the evidence and being satisfied that a question has arisen concerning representation for certain employes of said Municipal Employer;

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 in the following separate collective bargaining units described as:

UNIT NO. 1

All regular full-time barbers employed by Milwaukee County, excluding all other employes of the Municipal Employer, who were employed on February 7, 1968, $\frac{1}{2}$ except such employes as may prior to

^{2/} Since more than two months has elapsed since the date of the hearing, which was the agreed eligibility date, the Commission has established the eligibility date as the date of this directive.

the election quit their employment or be discharged for cause, for the purpose of determining whether a majority of said employes desire to be represented by District Council #48, AFSCME, AFL-CIO, for the purposes of conferences and negotiations with Milwaukee County on questions of wages, hours and conditions of employment.

UNIT NO. 2

All regular full-time beauticians employed by Milwaukee County, excluding all other employes of the Municipal Employer, who were employed on February 7, 1968, except such employes as may prior to the election quit their employment or be discharged for cause, for the purpose of determining whether a majority of said employes desire to be represented by District Council #48, AFSCME, AFL-CIO, for the purposes of conferences and negotiations with Milwaukee County 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, 1968.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Morris Slavney, Chairman

. Rice II, Commissioner

William R. Wilberg, Commissioner

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MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

District Council #48, AFSCME, AFL-CIO, filed a petition requesting the Commission to conduct a representation election among all barbers and beauticians employed by the Municipal Employer in its institutions. The Petitioner contends there is a similarity in functions performed by barbers and beauticians and that both are under the supervision of the nursing service. No issue arose as to the craft status of these employes since the Commission has previously determined that barbers and beauticians, employed at Milwaukee County, are craft employes within the meaning of Section 111.70(4)(d) of the Wisconsin Statutes, but the Municipal Employer, however, took the position that the unit, as petitioned, does not constitute an appropriate unit on the grounds that barbers constitute a separate and distinct craft from the beauticians. 2/

In order to be employed as a barber by the Municipal Employer one must complete a one year apprenticeship program, which includes formal training, and then pass an examination, administered by the State Board of Health, which encompasses both theoretical and practical aspects of barbering. 3/

In order to be employed as a licensed beautician, one must fulfill either a two year apprenticeship, or else graduate from an accredited school of cosmetology, and pass an examination administered by the State Board of Health. 4/

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 $[\]frac{2}{\text{County of Milwaukee}}$, Dec. No. 7135-B, 11/65.

 $[\]frac{3}{2}$ Section 158.11(b) and (c), Wis. Stats., 1965.

 $[\]frac{4}{-}$ Section 159.08(4)(a) and (b), Wis. Stats., 1965.

Although barbers and beauticians perform similar functions for the patients of Milwaukee County their functions are not interchangeable. Since employes engaged in a single craft must constitute a unit separate and apart from other crafts or employes of a municipal employer, $\frac{5}{2}$ the barbers and beauticians herein must constitute separate collective bargaining units.

Dated at Madison, Wisconsin, this 7th day of February, 1908.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Zels. Rise II, Commissioner

William R. Wilberg, Commissioner

^{5/} Section 111.70(4)(d).