

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

COUNTY OF MILWAUKEE
(1-PSYCHOLOGISTS)

Case XXVII
No. 11960 ME-362
Decision No. 8530

Mr. Kenneth N. Kessler, appearing on his own behalf.
Mr. Anthony Romano, Chief Examiner, for the Municipal Employer.
Mr. Harold W. Schmidt, Staff Representative, for the Intervenor.

Kenneth N. Knepler, having filed a petition with the Wisconsin Employment Relations Commission requesting the Commission to conduct an election pursuant to Section 111.70 of the Wisconsin Statutes, among all Masters Degree Psychologists I's employed by the County of Milwaukee; and a hearing on such petition having been conducted at Milwaukee, Wisconsin, on February 27, 1968, Howard S. Bellman, Examiner, being present; and during the course of said hearing, Milwaukee District Council 48, American Federation of State, County and Municipal Employees, AFL-CIO, having been permitted to intervene on its claim that it presently represents, among others, the employees involved in the petition filed by the Petitioner; and the Commission having considered the evidence and being satisfied that a question has arisen concerning representation for certain employees of the Municipal Employer;

NOW, THEREFORE, it is

That an election by secret ballot shall be conducted under the direction of the Wisconsin Employment Relations Commission within thirty (30) days from the date of this directive in the collective bargaining unit consisting of all employees classified as Clinical Psychologist I and Counseling Psychologist I, excluding supervisors and all other employees, who were employed

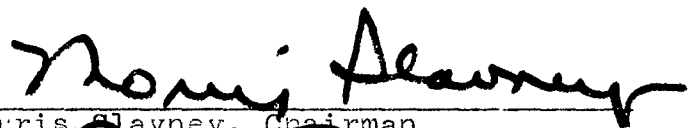
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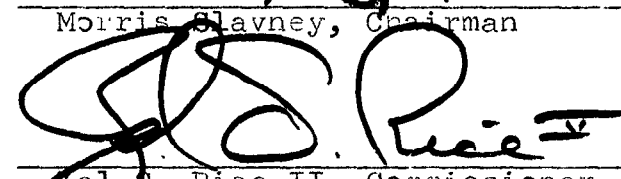
by the Municipal Employer on May 7, 1968, except such employes as may prior to the election quit their employment or be discharged for cause, for the purpose of determining whether a majority of such employes desire to be represented by Milwaukee District Council 48, AFSCME, AFL-CIO, for the purposes of conferences and negotiations with the above named Municipal Employer on questions of wages, hours and conditions of employment.

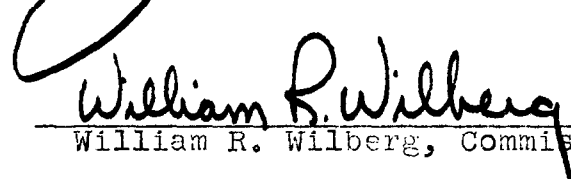
Given under our hands and seal at the
City of Madison, Wisconsin, this 7th
day of May, 1968.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Zel S. Rice II, Commissioner


William R. Wilberg, Commissioner

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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In the Matter of the Petition of :

KENNETH N. KNEPLER :

Involving Certain Employees of :

COUNTY OF MILWAUKEE
(PSYCHOLOGISTS) :

Case XXVII
No. 11960 ME-362
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MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

Following an election conducted by it, the Commission on August 2, 1966, certified the Intervenor as the exclusive bargaining representative for all professional social employees employed by Milwaukee County, including Family Court Marriage Counselor, Welfare Worker II, Medical Social Worker, Social Group Worker, Psychiatric Social Worker, Adult Probation Officer, Children's Probation Officer, Clinical Psychologist I, and Counseling Psychologist I. The Petitioner contends that all employees classified as Clinical Psychologist I and Counseling Psychologist I are members of a specific profession, and thus a craft within the meaning of Section 111.70(4)(d), that none of the other employees included in the certified unit are members of that profession, and, thus, that the Psychologists I were improperly included in the broad unit because they must constitute a unit limited to members of their own craft. This contention was not raised in the proceeding that gave rise to the above described certified unit.

It is clear from the petition, as well as the Petitioner's statements at the hearing, that the Petitioner is seeking the severance of the Psychologists I from the broader unit and is not seeking representative status for himself or for any organization.

The position of the Municipal Employer is that it does not contend in favor of the Petitioner or the Intervenor. The Intervenor's position is that it opposes the petition on the ground that the matter was fully litigated in the earlier proceeding, and inasmuch as no material change has taken place with regard to the pertinent classifications, the earlier determination should not be modified. As noted above the principal contention of the Petitioner herein was not raised in the earlier proceeding, however the earlier

determination was based upon job descriptions issued by the Municipal Employer and submitted to the Commission. There is no evidence of material change having occurred since that determination was announced.

After re-examination of the pertinent job descriptions and with the assistance of the Petitioner's evidence and argument it is clear that the Psychologists I constitute a distinct and separate professional group and, therefore, a craft that must not be included with other employees in a collective bargaining unit.^{1/} The Psychologists, like other members of the broad unit hold Masters Degrees. However, their education as well as their practices and areas of interest, in the general community as well as among the employees of the Municipal Employer, are definitely distinguishable from that of Social Workers and other practitioners of applied social sciences. It is particularly noteworthy that the Psychologists I employed by Milwaukee County are supervised by Psychologists and no interchange of functions occurs among them and the other employees in the certified unit since the Psychologists I are engaged in a distinct profession that should not have been included in a unit with employees engaged in other professions. By statute they constitute a single and separate collective bargaining unit.^{2/} Since the only organization claiming to represent the Psychologists I is the Intervenor, we have directed a representation election to determine whether employees occupying the classification of Clinical Psychologist I and Counseling Psychologist I desire to be represented by the Intervenor.

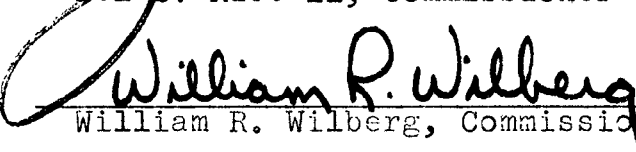
Dated at Madison, Wisconsin, this 7th day of May, 1968.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slayney, Chairman


Z. S. Rice II, Commissioner


William R. Wilberg, Commissioner

^{1/} City of Milwaukee, Dec. No. 7885.

^{2/} We are today amending the Certification of Representatives issued in the previous proceedings wherein the Psychologists I were improperly included in the collective bargaining unit.