

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of :

LOCAL NO. 150, SERVICE AND HOSPITAL
EMPLOYEES INTERNATIONAL UNION :

For Determination of Bargaining
Representatives for Employees of :

WAUSAU HOSPITAL SOUTH, DIVISION
OF WAUSAU HOSPITALS, INC. :

Case I
No. 14215 E-2676
Decision No. 10193

Appearances:

Mr. Leon De Broux, Business Representative, for the Union.

Tinkham, Smith, Bliss & Patterson, Attorneys at Law, by

Mr. Richard P. Tinkham, for the Employer.

DIRECTION OF ELECTION

Local No. 150, Service and Hospital Employees International Union having petitioned the Wisconsin Employment Relations Commission to conduct an election among Dietary Department employees in the employ of Wausau Hospital South, Division of Wausau Hospitals, Inc., Wausau, Wisconsin, and hearing in said matter having been conducted at Wausau, Wisconsin, on February 8, 1971, by Robert M. McCormick, Hearing Officer; and the Commission having considered the evidence and arguments of Counsel, and being satisfied that a question has arisen concerning the appropriate collective bargaining unit;

NOW, THEREFORE, it is

DIRECTED

That an election by secret ballot be conducted under the direction of the Wisconsin Employment Relations Commission within thirty (30) days from the date of this Directive among all regular full-time and all regular part-time employees (employed 20 hours or more per week) in the Dietary Department of Wausau Hospital South, Division of Wausau Hospitals, Inc., excluding employees in all other departments, confidential employees, supervisors and temporary part-time employees (working less than 20 hours per week), who were employed by said Employer on February 8, 1971, 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 constitute themselves a collective bargaining unit separate and apart from other employees of the Employer.^{1/}

Given under our hands and seal at the
City of Madison, Wisconsin, this 2nd
day of March, 1971.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Morris Slavney
Morris Slavney, Chairman

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

^{1/} The parties agreed during the course of the hearing that should a separate unit be established that the representation election would subsequently be directed. Therefore, should the separate unit be established the Commission will thereafter issue a supplemental direction of election on the question of representation. Should the employees not establish a separate unit the election petition shall be dismissed.

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MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

The Union filed separate petitions requesting that the Commission conduct representation elections among employees of the Employer in two different, but separate, bargaining units claimed appropriate consisting of:

"All full-time and all part-time employees of the dietary department, excluding all other departments, confidential employees and supervisors."

"All full-time and all part-time employees of the House-keeping department, excluding all other departments, confidential employees and supervisors."

At the outset of hearing the Employer contended that the appropriate collective bargaining unit should consist of all of the employees of the Employer, both non-professional and professional, excluding management, supervisory and confidential personnel. The Employer further contended that the Commission should not find any other unit to be appropriate on the basis of separate departmental units such as Dietary or Housekeeping. The Union in the alternative, orally amended its petition requesting the Commission to consider the Dietary and Housekeeping Departments to be separate departments within the meaning of Section 111.02(6) and the employees therein entitled to separate unit votes under Section 111.05(2).

The Employer in course of hearing also requested, that in the event the Commission directed separate unit votes pursuant to Section 111.05(2) and Section 111.02(6), and also prospective votes on the question of representation, that the unit votes be conducted on a date separate from the representation vote. The Union did not object to such a procedure.

The record discloses the existence of several departments, each with separate supervision, with no interchange of employees between departments and that departmental supervision report to higher level and intermediate supervision, some of whom may be, ultimately responsible for several departments.

The Commission has no power to determine what constitutes an appropriate collective bargaining unit. The Commission may only determine whether the group of employees, which the Union alleges constitutes an appropriate unit, does, in fact, constitute a separate craft, division, department or plant.^{2/}


The Commission is satisfied that the Dietary Department and Housekeeping Department are separate and distinct departments of the Employer within the meaning of Sections 111.02(6) and 111.05(2) of the Wisconsin Employment Peace Act,^{3/} and, therefore, the employees in each of said Departments are entitled to determine for themselves whether they desire to constitute separate bargaining units.

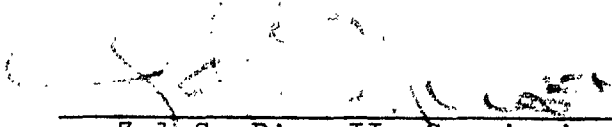
As indicated in the Direction, if the employees in either or both of said Departments establish a separate unit or units, the Commission will subsequently issue a supplemental direction of election to permit the employees an opportunity to determine their desire as to representation. If no separate units are established, the Commission will then dismiss both petitions.

Dated at Madison, Wisconsin, this 2nd day of March, 1971.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Zel S. Rice II, Commissioner

^{2/} See Sections 111.02(6) and 111.05(2), Wisconsin Statutes; Memorial Hospital Association (9218), 9/69; Gimbel Brothers (251) 4/41.

^{3/} Memorial Hospital Association (9218), 9/69; St. Vincent's Hospital (9023-A), 8/69; Methodist Hospital (8506-A, 8507-A, 8508-A), 7/68.