

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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In the Matter of the Petition of :
LOCAL 150, SERVICE & HOSPITAL EMPLOYEES' :
INTERNATIONAL UNION, AFL-CIO : Case III
Involving Certain Employes of : No. 14485 E-2690
CLINTONVILLE COMMUNITY HOSPITAL : Decision No. 10282
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Appearances:

Mr. Leon DeBroux, Business Representative, for the Union.
Porter, Purtell and Purcell, Attorneys at Law, by Mr. Dennis
J. Purtell, for the Employer.

DIRECTION OF ELECTION

Local 150, Service & Hospital Employees' International Union having petitioned the Wisconsin Employment Relations Commission to conduct an election among employes of the Nursing Service Department in the employ of Clintonville Community Hospital, Clintonville, Wisconsin; and hearing in said matter having been conducted at Clintonville, Wisconsin, on April 1, 1971, by Marvin L. Schurke, 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 full time and regular part time employes in the Nursing Service Department of Clintonville Community Hospital excluding employes in all other departments, confidential employes, supervisors and casual employes who were employed by said Employer on April 22, 1971, except such employes 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 employes desire to constitute themselves a

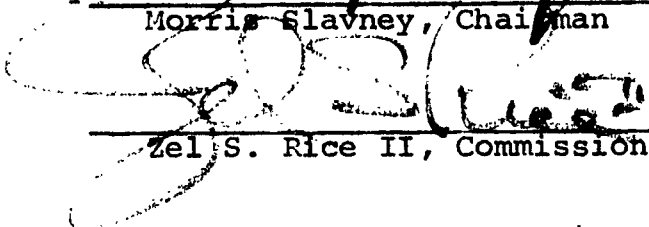
collective bargaining unit separate and apart from other employees of the Employer. 1/

Given under our hands and seal at the City of Madison, Wisconsin, this 22nd day of April, 1971.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Zel S. Rice II, Commissioner

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- 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 supplementary 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 instant petition is the third petition for an election filed by the captioned labor organization involving employees of the captioned Employer. In the first such proceeding 2/ this Commission dismissed the petition on the basis that the claimed appropriate bargaining unit was inappropriate for the purposes of collective bargaining. The second such petition 3/ claimed as appropriate a bargaining unit substantially identical to the unit claimed to be appropriate in the instant proceeding and an election was directed to determine whether a majority of the employees in the Nursing Service Department desired to constitute themselves a separate bargaining unit for the purposes of collective bargaining. The unit vote was 28 in favor of separation and 20 opposing separation but was insufficient to carry a majority of the 58 persons then eligible to vote.

At the opening of the hearing in this matter, the Employer made a preliminary motion that the Union be required to show to the satisfaction of the Commission that thirty percent of the employees want another election before any new election should be directed. The Hearing Officer overruled that motion and the hearing was conducted on all other issues raised.

The Wisconsin Employment Peace Act does not require the Petitioner in an election case to submit proof that it represents any particular number of employees involved. Prior to June 1950, the Commission required no showing of interest by the Petitioner for the first election but did require the Petitioner to make a showing of interest for the second election to satisfy the Commission that there were some prospects that the Union would be selected as the bargaining representative. That ruling existed at a time when the Commission permitted the conduct of more than one election during any twelve month period. Under present policy the Commission will not accept in usual circumstances conduct of more than one election involving the same employees in any one twelve month period, and therefore the Commission has abandoned the showing of interest

2/ Clintonville Community Hospital I, filed 9/9/69

3/ Clintonville Community Hospital II, filed 12/23/69

requirement for a second election, 4/ where there is no recognized or certified bargaining representative. The petitioner's claim that it represents employees in the alleged bargaining unit is a sufficient showing of interest, and such a claim has been made by the Petitioning Union in this case. The previous election was held more than twelve months ago, and, on the facts in this record, there is no need to consider revival of the showing of interest policy previously followed. It is also interesting to note that in the previous election the unit vote was lost by only one vote and, contrary to the argument put forth by the Employer, that election does not indicate a complete lack of interest in the petitioning Union on the part of the employees in the proposed unit.

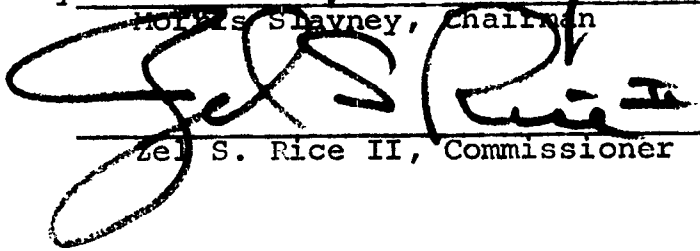
The parties stipulated that the Nursing Service Department is a separate department of the Employer within the meaning of Section 111.05(2) of the Act and therefore should a majority of the eligible employees therein vote to constitute themselves a separate bargaining unit, the Nursing Service Department will constitute an appropriate bargaining unit. There was, however, an objection from the Union to the inclusion of any registered nurses in the list of eligible voters on the basis that all such registered nurses are supervisory employees. The parties were afforded an opportunity to introduce evidence concerning the claimed supervisory status of such registered nurses. However, there is no basis, in the facts contained in this record to find that the registered nurses employed by this Employer are supervisors within the meaning of the Act.

Dated at Madison, Wisconsin, this ^{22nd} day of April, 1971.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slaveney, Chairman


Zel S. Rice II, Commissioner

4/ Bellin Memorial Hospital (8518) 4/68.