

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

FOND DU LAC COUNTY (COUNTY HOSPITAL)

Case XXII
No. 15035 DR(M)-28
Decision No. 10628-A

Mr. William Sandoval, and, Mr. Walter Klopp, Representatives,
appearing on behalf of the Petitioner.

Fond du Lac Institutions, Local 1366-A, WCCME, AFSCME, AFL-CIO, having filed a petition with the Wisconsin Employment Relations Commission requesting that the Commission issue a Declaratory Ruling to determine whether licensed practical nurses in the employ of the Fond du Lac County Hospital are supervisors and should therefore be excluded from the collective bargaining unit consisting of all regular full time and regular part time employees of Fond du Lac County, employed in its County Hospital, excluding the Superintendent, Assistant Superintendent, professional employees, office clerical employees, and all supervisors; and a hearing having been held in the matter on December 2, 1971, George R. Fleischli, Hearing Officer being present; and the Commission having considered the evidence and arguments and being fully advised in the premises makes and files the following Findings of Fact and Declaratory Ruling.

2. That Fond du Lac Institutions, Local 1366-A, WCCME, AFSCME, AFL-CIO, hereinafter referred to as the Petitioner, is a labor organization within the meaning of Section 111.70(1)(j) of the Wisconsin Statutes and represents for purposes of collective bargaining certain employees of the Municipal Employer's County Hospital.

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3. That on July 6, 1966, the Petitioner was certified as the representative of all regular full time and regular part time employees of Fond du Lac County, employed in its County Hospital, excluding the Superintendent, Assistant Superintendent, professional employees, office clerical employees, and all supervisors, for purposes of collective bargaining on questions of wages, hours and conditions of employment; that at the time of the election which preceded said certification the Municipal Employer had one licensed practical nurse in its employ at its County Hospital and that said licensed practical nurse was excluded from the stipulated eligibility list and not allowed to vote on the claim that she was a supervisor; and that since said certification, a question has arisen concerning the alleged supervisory status of the eight licensed practical nurses currently employed by the Municipal Employer at its County Hospital.

4. The Municipal Employer currently employs three registered nurses, eight licensed practical nurses and thirty-eight nursing assistants at its County Hospital; that the three registered nurses work under the direct supervision of the Director of Nursing and are assigned to work each of the three shifts; that said registered nurses have the responsibility for supervising the nursing activities at the County Hospital during their respective shifts; that the eight licensed practical nurses have the responsibility for checking whether there are sufficient nursing assistants on their shift to cover their ward and to call in additional licensed practical nurses in accordance with the seniority roster if there is an insufficient number of nursing assistants available, and the responsibility of reviewing the "nursing care plan" for the patients in their ward with the nursing assistants to ensure that the orders of the professional staff are properly carried out; that the licensed practical nurses have, on occasion, recommended that probationary employees not be retained and that said recommendations have been followed by the Director of Nursing in cases where the registered nurses are in agreement with the recommendation of the licensed practical nurse; that said licensed practical nurses have no authority to hire or fire but are on occasion called upon to make recommendations regarding job applicants who happen to be within their acquaintance; that said licensed practical nurses like the nursing assistants have the responsibility to help enforce certain work rules by reporting infractions to the Registered Nurse or the Director of Nursing; that said licensed practical nurses spend the majority of their time implementing the "nursing care plan" with regard to patients on their ward, pouring and passing medication and filling out records and reports; and that said licensed practical nurses perform duties primarily associated with the activity of providing nursing care and have insufficient supervisory responsibilities over nursing assistants to justify their exclusion as supervisors.

On the basis of the above and foregoing Findings of Fact the Commission issues the following

DECLARATORY RULING

That the licensed practical nurses employed by the Municipal Employer at its County Hospital are not supervisors within the meaning of Section 111.70(1)(o)1 of the Wisconsin Statutes and are

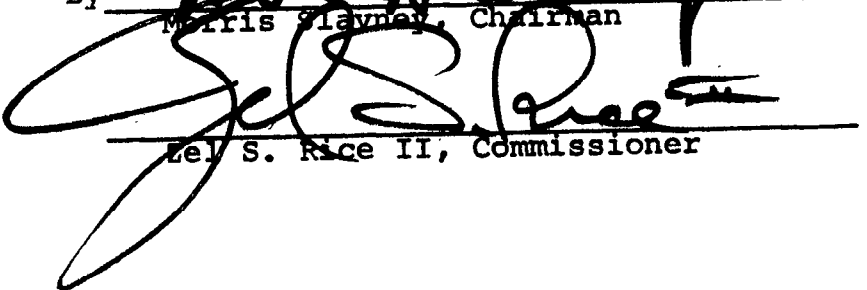
therefore included in the existing collective bargaining unit consisting of all regular full time and part time employes of Fond du Lac County employed at its County Hospital, excluding the Superintendent, Assistant Superintendent, professional employes, office clerical employes and all supervisors.

Given under our hands and seal at the
City of Madison, Wisconsin, this 11th
day of January, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Flaydner, Chairman


Del S. Rice II, Commissioner

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or degree to justify the conclusion that they are supervisors within the meaning of that section. Their responsibilities consist primarily of supervising the implementation of the "nursing care plan" which is the supervision of an activity rather than people. To the extent that they call in additional nursing assistants and assign work they are performing work more in the nature of that performed by working foremen or leadmen rather than supervisors. Their duties with regard to the enforcement of work rules are no different than the duties of the nursing assistants themselves.

Dated at Madison, Wisconsin, this 11th day of January, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Zel S. Rice II, Commissioner