

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Case XIV
No. 14879 E-2716
Decision No. 10771

Porter, Purtell & Purcell, by Mr. Robert Wilmot, Attorney, and Mr. John Gross, of St. Michael's Hospital, appearing on behalf of St. Michael's Hospital.

Local 150, Service & Hospital Employees' International Union, AFL-CIO, having petitioned the Wisconsin Employment Relations Commission to conduct an election pursuant to the Wisconsin Employment Peace Act, among registered nurses in the employ of St. Michael's Hospital of the Franciscan Sisters, Milwaukee, Wisconsin; and a hearing on said petition having been conducted at Milwaukee, Wisconsin, on September 16, 1971, by John T. Coughlin, Hearing Officer; and the Commission having considered the evidence and being satisfied that questions have arisen concerning the appropriate bargaining unit and representative for registered nurses in the employ of said Employer;

DIRECTED

Should the required number of registered nurses vote in favor of establishing themselves as a separate unit, then the Commission will subsequently direct a representation election to determine

whether the registered nurses desire to be represented by Local 150, Service & Hospital Employees' International Union, AFL-CIO, however, should such a separate unit not be established, the petition filed herein will be dismissed.

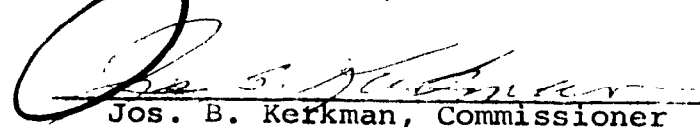
Given under our hands and seal at the
City of Madison, Wisconsin, this 11th
day of February, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Blanton, Chairman


Mel S. Rice II, Commissioner


Jos. B. Kerkman, Commissioner

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of :

LOCAL 150, SERVICE & HOSPITAL :
EMPLOYEES' INTERNATIONAL UNION, :
AFL-CIO :

For Determination of Bargaining :
Representatives for Certain Employees of :

Case XIV
No. 14879 E-2716
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ST. MICHAEL'S HOSPITAL OF THE :
FRANCISCAN SISTERS :
Milwaukee, Wisconsin :

MEMORANDUM ACCOMPANYING
DIRECTION OF ELECTION

The Union herein filed two separate petitions 1/ with the Wisconsin Employment Relations Commission requesting that representation elections be conducted in two separate units, one consisting of registered nurses, excluding all other employees and the other consisting of all the remaining employees of the Employer, excluding registered nurses, supervisors, confidential employees and guards, as well as members of a religious order. No organization presently represents either the registered nurses or any other employees of the Employer and the petitions were accepted by the Commission without any showing of interest filed by the Petitioner in support of the petitions. The Employer requested that the Commission reconsider its policy of not requiring a showing of interest in support of petitions for elections when there is no collective bargaining representative and therefore the petitions filed in both cases should be dismissed because of a lack of said showing of interest. Further, the Employer contended that the petitions were invalid contending that the Union did not file said petitions in good faith. In support of its "lack of good faith" argument the Employer contends that, within a year of the filing of the instant petitions, the Union had filed similar petitions and had summarily withdrawn same after a hearing by the Commission but prior to the direction of the conduct of the election. The Employer further argued that the Commission should dismiss the petitions since the Union had misrepresented the number of people involved in the various units.

As has been stated in numerous cases, the Commission will not deviate from its established practice of not requiring a showing of interest in cases where there exists no recognized or certified bargaining representative. 2/

1/ Cases No. XIII and XIV

2/ Memorial Hospital of Oconomowoc, Inc., Dec. No. 10581, 10/71.

The Commission's records indicate that the Employer's contention that the election cases referred to by said Employer as having been dismissed within one year of the filing of the instant petitions is erroneous. Petitions initiating those cases were dismissed in May of 1970 and the petitions herein were filed August 16, 1971. Therefore, the petitions involved herein were timely filed.

The fact that the petitions did not accurately state the number of employes involved is not a basis for dismissal of a petition since it is merely informative rather than determinative of the number of individuals who will be eligible to vote should the Commission direct an election.


Since the nurses constitute a separate profession they are entitled under Section 111.02(6) and 111.05 of the Wisconsin Employment Peace Act to determine for themselves whether they desire to constitute a unit separate and apart from other employes of the Employer. Therefore we are initially directing a separate unit vote among the registered nurses. Should the registered nurses establish themselves as a separate bargaining unit the Commission will then direct a representation election among said nurses to determine whether they desire to be represented by the Union for the purposes of collective bargaining and at the same time the Commission will in the companion case direct an election among all employes of the Employer excluding registered nurses, supervisors members of religious orders, confidential employes and guards.

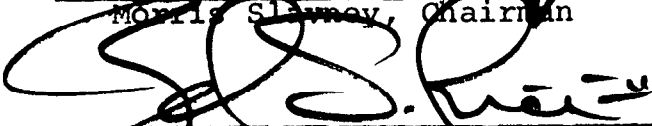
Should the registered nurses reject the separate unit the Commission will not direct a separate representation vote for said nurses but will include the nurses in the "overall" unit and they will be eligible to vote in the representation election directed in the companion case.

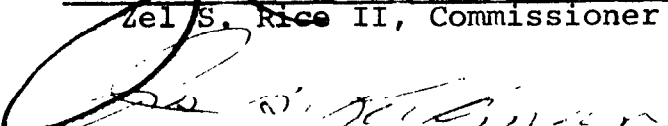
Dated at Madison, Wisconsin, this 11th day of February, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slawey, Chairman


Zel S. Rice II, Commissioner


Jos. B. Kerkman, Commissioner