

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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In the Matter of the Petition of	:	
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WISCONSIN COUNCIL OF COUNTY AND	:	Case XVII
MUNICIPAL EMPLOYEES, AFSCME, AFL-CIO	:	No. 15334 ME-756
	:	Decision No. 10909-A
	:	
Involving Certain Employees of	:	
	:	
La CROSSE COUNTY (DEPARTMENT OF	:	
SOCIAL SERVICES)	:	
	:	

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Appearances:

- Mr. Daniel R. Pfeifer, District Representative, WCCME, Route 1, Sparta, Wisconsin 54656 appearing for the Union.
- Mr. K. E. Guthrie, Personnel Director, LaCrosse County, Room 201, County Courthouse, LaCrosse, Wisconsin 54601 appearing for the County.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DIRECTION OF ELECTION

Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, having filed a petition requesting the Wisconsin Employment Relations Commission to determine whether certain employes of LaCrosse County should be included in an existing collective bargaining unit; and a hearing in the matter having been conducted on September 9, 1980 at La Crosse, Wisconsin before Douglas V. Knudson, Examiner; and the Commission having considered the evidence and arguments of the parties, and being fully advised in the premises, hereby makes and issues the following

FINDINGS OF FACT

1. That Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, hereinafter referred to as the Union, is a labor organization and has its offices at Route 1, Sparta, Wisconsin 54656.
2. That La Crosse County (Department of Social Services), hereinafter referred to as the County, is a municipal employer and has its offices at County Courthouse, La Crosse, Wisconsin 54601.
3. That at the time of the hearing herein there existed six collective bargaining units of employes in the employ of the County, as follows:
  - a. All employes employed at the Hillview Home and Infirmary, excluding the Superintendent, supervisory personnel, confidential and clerical personnel, registered nurses and licensed practical nurses. (Presently represented by Local 150 Service & Hospital Employees International Union).

- b. All regular law enforcement personnel, radio operators, and jailors, excluding all supervisory, elected, clerical, confidential, or part-time personnel. (Presently represented by La Crosse County Traffic Police and Deputy Sheriff's Association).
- c. All County Highway and Parks employes, excluding all office, engineering, supervisory, and confidential personnel. (Presently represented by Local 227, AFSCME).
- d. All County Institutional employes at Oak Forest and Lakeview, excluding supervisory, confidential and professional employes. (Presently represented by Local 1403, AFSCME).
- e. All professional employes, including volunteer services coordinator in the employ of the Department of Social Services, excluding the director, case aides, homemakers, clerical employes, supervisors, and all other employes of La Crosse County. (Presently represented by Local 2484, AFSCME).
- f. All regular full-time and all regular part-time employes employed by the County, but excluding elective officials, department heads, professional employes, law enforcement personnel, employes employed at Hillview Home, Oak Forest Sanitorium and Nursing Home, Lakeview Health Services Center, all field, shop and maintenance personnel of the Highway and Parks Department. (Presently represented by Local 2484, AFSCME).

4. That the instant proceeding was initiated by the Union, requesting the Commission to accrete Social Worker positions located at the County's Health Care facilities, namely Hillview Home and Infirmary, the Oak Forest Sanitorium and Nursing Home, and the Lakeview Health Services Center, filled by three full-time and two part-time employes, to the collective bargaining unit set forth in para. 3(e), supra, which presently includes approximately forty Social Workers; that should the Commission deny such request, then the Union would have the Commission direct an election among employes in a unit consisting of all regular full-time and regular part-time professional employes employed at the County's Health Care facilities, consisting of professional nurses; and that the County opposes the accretion of the Social Workers employed at the Health Care facilities to the existing Social Worker unit in the Department of Social Services, and, further, the County contends that all professionals employed at the Health Care facilities do not constitute an appropriate unit.

5. That the Oak Forest and Hillview facilities are essentially conventional nursing home, housing geriatric patients, and located approximately twelve miles from the offices of the Department of Social Services; that the Lakeview facility houses primarily psychiatrically affected adults, and is located some four miles from the offices of the Department of Social Services; that said facilities operate

independently, with minimal staff interaction, although some residents have resided or been treated in more than one of said facilities, as well as having been served by employees employed in the Department of Social Services; and that each of said facilities, as well as the Department of Social Services, do not interchange their staffs, and they are each under separate administrations.

6. That, although the wages, hours and working conditions of the Social Workers employed at the Health Care facilities differ from those of the Social Workers employed in the Department of Social Services, all Social Workers are engaged in the same profession, and their responsibilities and tasks differ only because of the differing needs of the persons who require the services of Social Workers.

7. That, at the time of the election leading to the certification of the Union as the exclusive collective bargaining representatives of the professionals employed in the Department of Social Services, one professional Social Worker was employed at the Lakeview facility, but was not included in said collective bargaining unit.

Upon the basis of the above and foregoing Findings of Fact, the Commission makes and issues the following

#### CONCLUSIONS OF LAW

1. That Social Workers employed by La Crosse County at the Hillview Home and Infirmary, the Oak Forest Sanatorium and Nursing Home, and the Lakeview Health Services Center are professional employees within the meaning of Section 111.70(1)(1) of the Municipal Employment Relations Act.

2. That, since Social Workers employed at the Hillview Home and Infirmary, the Oak Forest Sanatorium and Nursing Home, and the Lakeview Health Services Center are engaged in the same profession as are the Social Workers employed by La Crosse County in its Department of Social Services, Social Workers employed at Hillview Home and Infirmary, the Oak Forest Sanatorium and Nursing Home, and the Lakeview Health Services Center, pursuant to Section 111.70(4)(d)2.a. of the Municipal Employment Relations Act, should be given the right to determine, by a secret ballot election whether they desire to accret to the existing unit of professional Social Workers employed in said Department of Social Services.

Upon the basis of the above and foregoing Findings of Fact and Conclusions of Law, the Commission makes and issues the following

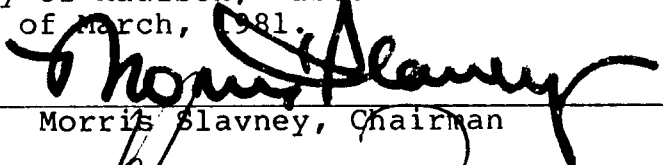
#### DIRECTION OF ELECTION

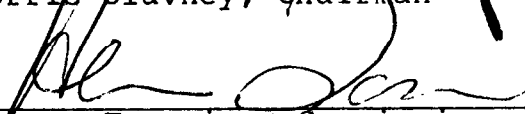
IT IS HEREBY DIRECTED that an election by secret ballot shall be conducted, within thirty (30) days from the date hereof, under the direction of the Wisconsin Employment Relations Commission, among all regular full-time and regular part-time Social Workers employed by La Crosse County at the Hillview Home and Infirmary, the Oak Forest sanatorium and Nursing Home, and the Lakeview Health Services Center,

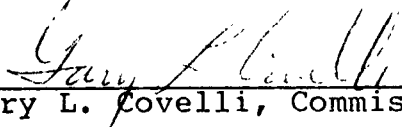
excluding managerial, supervisory, confidential, and all other employes, who were employed on March 20, 1981, except such employes as may prior to election quit their employment or be discharged for cause, for the purpose of determining whether a majority of such employes voting desire to accrete to the existing collective bargaining unit consisting of "all professional employes, including volunteer services coordinator, in the employ of the Department of Social Services, excluding the director, case aides, homemakers, clerical employes, supervisors, and all other employes of La Crosse County, which unit is presently represented by Local 2484, Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, for the purposes of collective bargaining on wages, hours and conditions of employment.

Given under our hands and seal at the  
City of Madison, Wisconsin this 20th  
day of March, 1981.

By

  
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Morris Slavney, Chairman

  
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Herman Torosian, Commissioner

  
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Gary L. Covelli, Commissioner

MEMORANDUM ACCOMPANYING FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND DIRECTION OF ELECTION

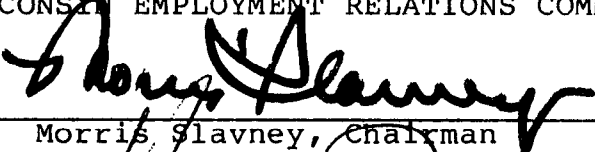
The Union urges the Commission to accrete the Social Workers in the employ of the County at its Health Care facilities into an existing unit of Social Workers presently employed in the Department of Social Services, which unit the Union represents for the purposes of collective bargaining. At the time the Union was certified as such representative, the parties did not include, in said unit, a Social Worker who was then employed at one of the Health Care facilities. The Union would now have the Commission include the five Social Workers employed in such facilities in the existing unit without an election among said five Social Workers. The Union further indicated that, should the Commission not grant its request, it desires an election among all professionals employed at the Health Care facilities, e.g. professional nurses, social workers, to determine whether said employes desire to be represented by the Union for the purposes of collective bargaining. The County opposes the accretion of the Social Workers employed at the Health Care facilities to the unit of Social Workers employed in the Department of Social Services, claiming a lack of community of interest among said groups of employes, and it also contends that a unit composed of all professionals in the employ of the Health Care facilities is inappropriate, since there are professionals employed by the County in other departments who are not included in any bargaining units.

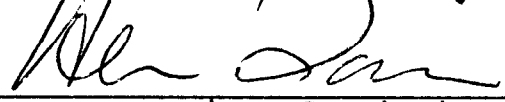
We have concluded that it is more appropriate to include all employes of the County who are engaged in a single profession in one single bargaining unit because the community of interest created by their single profession is greater than the community of interest established among employes engaged in various professions who are employed in same work locations, under the same supervision, and/or based on departmental or agency functions. Therefore, we have concluded that the Social Workers employed in the Health Care facilities more appropriately should be included in the unit which would include all Social Workers in the employ of the County, and since the Union and the County did not include the one Social Worker then employed in the Health Care facilities in the original Social Worker unit, we deem it appropriate to permit those Social Workers now employed in the Health Care facilities to determine for themselves, by a secret ballot election, whether they desire to so accrete. The ballot will be prepared to provide said Social Workers a choice as to whether they desire to be represented by the Union for the purposes of collective bargaining, and should they determine that they do so desire, the Commission, in its certification, will accrete said employes to the Social Worker unit.

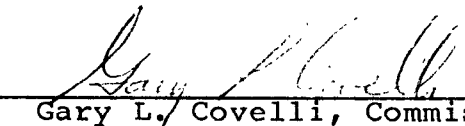
Dated at Madison, Wisconsin this 20th day of March, 1981.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slavney, Chairman

  
Herman Torosian, Commissioner

  
Gary L. Covelli, Commissioner