

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

WISCONSIN COUNCIL OF COUNTY AND
MUNICIPAL EMPLOYEES, AFSCME, AFL-CIO

Involving Certain Employees of

COLUMBIA COUNTY (HOSPITAL & HOME)

Case IX
No. 15572 ME-788
Decision No. 11068

Appearances:

Mr. Walter J. Klopp, Representative, for the Petitioner.

Mr. William L. Leitsch, Corporation Counsel, for the Municipal Employer.

DIRECTION OF ELECTION

Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, having petitioned the Wisconsin Employment Relations Commission to conduct an election pursuant to the Municipal Employment Relations Act among certain employes of Columbia County Hospital and Home; and a hearing on such petition having been conducted at Portage, Wisconsin on May 31, 1972, by Robert M. McCormick, Hearing Officer; and the Commission having considered the evidence and being satisfied that a question has arisen concerning representation for certain employes of said Municipal Employer;

NOW, THEREFORE, it is

DIRECTED


That an election by secret ballot be conducted under the direction of the Wisconsin Employment Relations Commission within sixty (60) days from the date of this Directive in a collective bargaining unit consisting of all regular full time and all regular part time employees (employed 20 hours or more per week) in the employ of Columbia County at its Hospital and Home, but excluding administrator, managerial employees, supervisors, registered nurses, registered therapist, registered dietitian, all other professional employees, temporary employees and part time employees (employed less than 20 hours per week), who were employed on May 31, 1972, except such employees as may prior to the election quit their employment or be discharged for cause, for the purpose of determining whether a majority of such employees desire to be represented by Wisconsin Council of County and Municipal Employees,


AFSCME, AFL-CIO, for the purposes of bargaining collectively with the Municipal Employer on questions of wages, hours and conditions of employment.

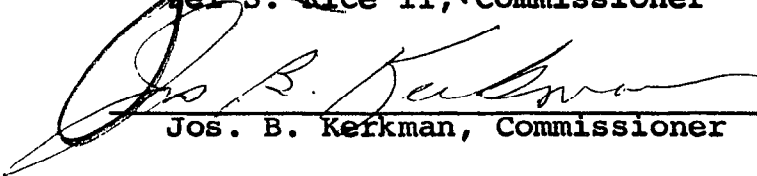
Given under our hands and seal at the City of Madison, Wisconsin, this 16th day of June, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Mel S. Rice II, Commissioner


Jos. B. Kerkman, Commissioner

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

In its petition the Union alleged the appropriate unit to consist of all non-professional employees employed by the County in its Hospital and Home, excluding supervisory, confidential and professional employees. During the course of the hearing the parties stipulated the appropriate unit as follows:

All regular full time and all regular part time employees (employed 20 hours or more per week) in the employ of Columbia County at its Hospital and Home, but excluding administrator, managerial employees, supervisors, registered nurses, registered therapist, registered dietitian, all other professional employees, temporary employees and part time employees employed less than 20 hours per week.

The parties stipulated that part time employees employed less than 20 hours per week did not have the same community of interest with the remaining full time and part time employees working beyond said level. Said part time employees are largely comprised of students, who the parties indicated were more similar to casual or temporary employees. The Commission accepts the parties' differentiation between said groups of part time employees as to eligibility, and the unit established in this Direction reflects same.

Section 111.70(4)(d)2a of MERA provides as follows:

"The Commission shall determine the appropriate bargaining unit for the purpose of collective bargaining and shall whenever possible avoid fragmentation by maintaining as few units as practicable in keeping with the size of the total municipal work force. In making such a determination, the commission may decide whether, in a particular case, the employees in the same or several departments, groupings, institutions, crafts, professions or other occupational groupings constitute a unit. Before making its determination, the commission may provide an opportunity for the employees concerned to determine, by secret ballot, whether or not they desire to be established as a separate collective bargaining unit. The commission shall not decide, however, that any unit is appropriate if the unit includes both professional employees and nonprofessional employees, unless a majority of the professional employees vote for inclusion in the unit. The commission shall not decide that any unit is appropriate if the unit includes both craft and noncraft employees unless a majority of the craft employees vote for inclusion in the unit. Any vote taken under this subsection shall be by secret ballots."

The recently enacted MERA recognizes that there is a need for a pattern of bargaining units which permits employees the right to be represented in workable units by organizations of their own choosing, which may be reasonably expected to be concerned with the unique interests and aspirations of the employees in said units. To establish a unit wherein the interests of a large group of employees are likely to be submerged would not, in our opinion, give adequate protection

to the rights guaranteed to employees in the Act. However, units cannot be so fragmentized so as to be inadequate for viable collective bargaining. 1/

While other employees of the County may have conditions of employment similar to those involved herein, there are conflicting interests which vary as a result of their education, training and duties. These conflicts increase by combining employees in various groups into one bargaining unit. Said conflicts may be reduced by establishing units of employees who are employed in related classifications and duties, not only on the basis of performing similar tasks, but also on the basis that those employees in said classifications usually have similar educational and/or training backgrounds and aspirations. The Hospital and Home performs a municipal function separate and apart from any other functions performed by the County and in that regard the vast majority of the employees are employed in services in support of patient and geriatric care.

We, therefore, conclude that the unit stipulated as being appropriate does not conflict with the policy set forth in the Act.

At the outset of the hearing the parties stipulated to a list of eligibles which reflected the deletion of the names of several employees as being supervisory. The parties were satisfied that Tom McIntyre, Supervisor of Aides, Marguerite Pickhardt, Kitchen Supervisor, and Ruth Hamele, Laundry Supervisor, should be excluded from the eligibles. The record discloses that each of the aforementioned has authority to evaluate the performance of employees subject to their direction, assigns overtime, grants release time, is authorized to discipline, has made effective recommendations in the hiring of new employees, and all receive a substantial difference in wages over and above that received by employees reporting to them. The Commission concludes that McIntyre, Pickhardt and Hamele are supervisory and therefore, shall not be eligible to participate in the vote.

Dated at Madison, Wisconsin, this 16th day of June, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Mayne, Chairman


Zel S. Rice II, Commissioner


Jos. B. Kerkman, Commissioner