STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

SPOONER COMMUNITY MEMORIAL HOSPITAL EMPLOYEES LOCAL UNION NO. 2425, AFSCME, AFL-CIO

For a Referendum on the Question of an All-Union Agreement between

SPOONER COMMUNITY MEMORIAL HOSPITAL AND NURSING HOME, Spooner, Wisconsin, Employer

and SPOONER COMMUNITY MEMORIAL HOSPITAL EMPLOYEES LOCAL UNION NO. 2425, AFSCME, AFL-CIO, Union

Case III
No. 15665 R-5332
Decision No. 11098

[WERC is using the following electronic file name: 11098-A1.]

CERTIFICATION OF REFERENDUM

Pursuant to a Direction of Referendum issued by the Wisconsin Employment Relations Commission on June 22, 1972, the Commission conducted a referendum pursuant to Section 111.06, Wis. Stats., among all regular full-time and regular part-time employes of the Spooner Community Memorial Hospital and Nursing Home, but excluding professional, supervisors, managerial and confidential employes, to determine whether the required number of the eligible employes in said bargaining unit favor an "All-Union Agreement" between said Employer and Spooner Community Memorial Hospital Employees Local Union No. 2425, AFSCME, AFL-CIO.

The result of the referendum was as follows:

1. Total number eligible to vote 137
2. Total ballots cast 93
3. Total ballots challenged 1
4. Total valid ballots counted 82
5. Ballots cast in favor of an "All-Union Agreement" 72
6. Ballots cast against an "All-Union Agreement" 10

NOW, THEREFORE, by virtue of and pursuant to the power vested in the Wisconsin Employment Relations Commission by Section 111.06, Wis. Stats.,

IT IS HEREBY CERTIFIED that the required number of eligible employes in the collective bargaining unit consisting of all regular full-time and regular part-time employes of the Spooner Community Memorial Hospital

and Nursing Home Employees, including Central Supply Room Supervisor, Maintenance Department Supervisor and Laundry Department Supervisor; but excluding professional, managerial and confidential employes and supervisors within the meaning of Section 111.02(3), Wis. Stats., voted in favor of authorizing an "All-Union Agreement" between the Employer and the Union involved herein; and therefore, the Employer may enter into such an Agreement with the Union.

Given under our hands and seal at the City of Madison, Wisconsin, this 17th day of July, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney, Chairman

Jos. B. Kerkman, Commissioner

Since the challenged ballot does not affect the result of the referendum, it will not be opened. However, the individual was challenged by the Employer on the basis that the position involved, Laundry Supervisor, is a supervisory position. However, the Commission has never made a determination with respect to the value involved.

The unit description is more specific than that contained in the Direction of Referendum.

No. 10099

SPOONER COMMUNITY MEMORIAL HOSPITAL AND NURSING HOME
Case III, Decision No. 11098

MEMORANDUM ACCOMPANYING
CERTIFICATION OF REFERENDUM

Prior to the issuance of the Direction of Referendum, the Commission conducted a hearing at Spooner, Wisconsin, to take evidence with respect to whether the individuals occupying the positions of Central Supply Room Supervisor, Maintenance Department Supervisor, Laundry Department Supervisor and Purchasing Department Supervisor were, as contended by the Employer, supervisory employes. During the course of the initial hearing, evidence was adduced only with respect to the Maintenance Department Supervisor and the Purchasing Department Supervisor. Witnesses with respect to the duties of the Central Supply Room Supervisor and the Laundry Department Supervisor were not available. However, the parties agreed that the referendum should be directed and conducted and that the ballots of the individuals occupying the positions of Central Supply Room Supervisor and Laundry Department Supervisor could be challenged during the conduct of the balloting. The parties also agreed that the hearing could be reconvened on the date of the conduct of the balloting to take evidence with regard to the two positions in issue.

Such hearing was conducted on the date of the balloting prior to the balloting, and at the outset of the hearing, the parties stipulated that the Central Supply Room Supervisor, presently occupied by Betty Bennett, was not a supervisory position. Therefore, there was no challenge to the ballot of Betty Bennett. However, the ballot of the Laundry Room Supervisor, Frances Hanson, was challenged on the basis of the Employer's contention that such position is a supervisory position.

The evidence adduced at the hearing on the date of the balloting indicated that Mrs. Hanson has been an employe of the laundry for approximately three years; she has been in her present position for about eight months. Upon assuming this position, she was assigned additional duties and received a pay increase of $.25 an hour. These duties included making out time cards, attending staff meetings, scheduling employes, and determining persons to be laid off when lay-offs are ordered by the Personnel Director. Recently she suggested to the Personnel Director that it may be necessary to hire another employe to keep the work up; she was instructed to work employes overtime, and she determined which employes would so work.

There are certain responsibilities, such as assigning work and reprimanding employes, which Hanson appears to have, but due to the experience of the present work force, exercise of these responsibilities has not been required. Recently, Mrs. Hanson recommended to the Personnel Director the discharge of an employe in the laundry room and such recommendation was effective. It was not clear whether Mrs. Hanson was told she had the authority to make such recommendations.

Despite these responsibilities, the Commission concludes that Mrs. Hanson is not a supervisor within the meaning of the Act. Several factors are determinative in arriving at this decision. Mrs. Hanson spends 80% of her working hours performing work similar to other employes in the laundry. Her salary of $1.95 an hour is comparable to the other employes in the laundry. Four of the other employes, all of whom have less seniority, make either $1.60 or $1.65. One employe, who has approximately 15 years seniority, earns $2.05 an hour.

[illegible] was noted that the person who [illegible] was considered a supervisor at the time of the representation election. However, in addition to the above responsibilities, said individual [illegible] Housekeeping Executive, performed no unit work and was paid $3.00 an hour. Upon his resignation, his responsibilities were divided among two people, Mrs. Hanson and a new Housekeeping Executive. There was no issue that the latter is a supervisor.

Consequently, the Commission concludes that Mrs. Hanson, the Laundry Supervisor, is not a "supervisor" and such position is included in the unit.

Dated at Madison, Wisconsin, this 17th day of July, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney

Morris Slavney, Chairman

Jos. B. Kerkman

Jos. B. Kerkman, Commissioner