

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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

Mr. Dennis Bailey, Attorney at Law, appearing on behalf of the Employer.

Petition having been filed with the Wisconsin Employment Relations Commission by Local Union No. 2425, AFSCME, AFL-CIO, requesting that a referendum be conducted pursuant to Section 111.06, Wisconsin Employment Peace Act, among certain employees of Spooner Community Hospital and Nursing Home, Spooner, Wisconsin, for the purpose of determining whether the required number of such employees desire an "All-Union Agreement" between said Employer and said labor organization; and hearing on such petition having been conducted at Spooner, Wisconsin, on June 13, 1972, by Morris Slavney, Chairman; and the Commission having considered the evidence and being satisfied that a question has arisen concerning authorization for an "All-Union Agreement" involving certain employees of Spooner Community Hospital and Nursing Home;

DIRECTED

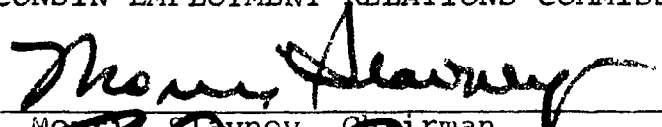
That a referendum by secret ballot be conducted under the direction of the Wisconsin Employment Relations Commission in the collective bargaining unit consisting of all regular full-time and regular part-time employees of the Spooner Community Memorial Hospital and Nursing Home, but excluding professional, supervisors, managerial and confidential employees, who were employed by the Employer on June 13, 1972, except

such employes as may prior to the referendum quit their employment or be discharged for cause, for the purpose of determining whether the required number of such employes favor an "All-Union Agreement" between the Employer and the Union named above.

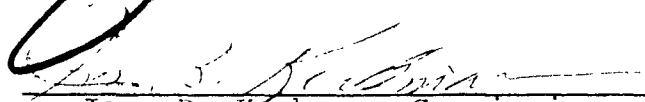
Given under our hands and seal at the City of Madison, Wisconsin, this 22nd day of June, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Del B. Rice II, Commissioner


Jos. B. Kerkman, Commissioner

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

MEMORANDUM ACCOMPANYING DIRECTION OF REFERENDUM

At the outset of the hearing the parties stipulated that the unit appropriate for the referendum consists of all regular full time and part time employees of the Spooner Community Memorial Hospital and Nursing Home, but excluding professional, supervisory and confidential employees.

The Employer presented a list of employees comprising, with certain exceptions, the list of eligible voters. The parties stipulated that the following people appearing on said list should not be eligible to vote on the basis of supervisory or professional status: Betty Andrea, Jeanne Chamberlain, Bruce Laird, Patricia Peterson, Amy Stouffer, Phyllis Richardson, Mary Betton, Larry Sutherland, Margaret Christ, Harriett Mercer, Edna Ruther, Geraldine Moore, and Martha Oleson.

An issue arose as to whether Betty Bennett (Central Supply Room Supervisor), Joseph Fischer (Maintenance Department Supervisor), Frances Hanson (Laundry Department Supervisor), and Stanley Lezak (Purchasing Department Supervisor), were, as contended by the Employer, supervisory employees.

Joseph Fischer and Stanley Lezak appeared as witnesses and testified as to their duties. Frances Hanson and Betty Bennett were unavailable as witnesses. With regard to the latter two individuals, the parties agreed that the hearing could be re-opened on the date of the referendum and that evidence with respect to the duties of Hanson and Bennett would be adduced during the re-opened hearing. Hanson and Bennett will be permitted to vote by challenged ballot should they present themselves to vote. The Commission will subsequently determine the "supervisory" status of Hanson and Bennett regardless of the possible effect of their challenged ballots.

The Commission rejects the Employer's contention that Joseph Fischer is a supervisor. Fischer appears to be without authority to hire, transfer, promote, suspend or layoff employees. One other employee is employed in the Maintenance Department and little supervision is required over that employee. Fischer and the other employee spend all of their time performing maintenance and repair duties, although Fischer performs more complicated work. The only contact between he and the other employee is in performing difficult jobs or jobs that require more than one person. The job of Maintenance Department Supervisor is not dissimilar to that of a working foreman. The Commission holds that Joseph Fischer is not a supervisor within the meaning of the Act and concludes that he is in the unit and is entitled to vote in the referendum.

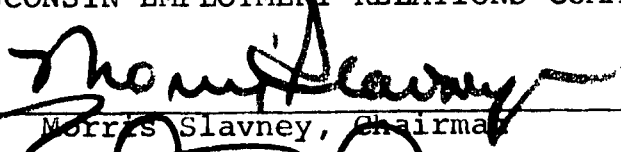
While the Commission rejects the Employer's contention that Stanley Lezak is a supervisor, we conclude that Lezak is a managerial employee and consequently not included in the unit. Lezak spends very little time supervising the one other employee in the Department and has no authority to hire, fire or transfer employees. However, Lezak purchases goods for the Hospital. He processes requisitions from other Departments and has authority to make purchases other than food up to \$50. For

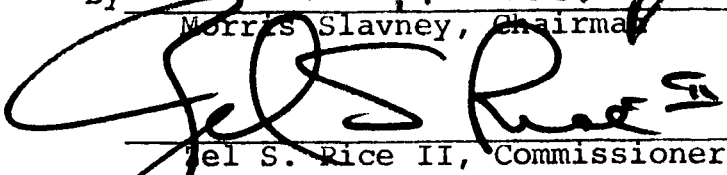
purchases in excess of \$50, he receives direct approval of the Administrator of the Hospital. In addition, he makes sure there are sufficient supplies and obtains bids from distributors. He utilizes his independent judgment with regard to food purchases. Lezak's responsibilities are managerial in nature and therefore he is not eligible to vote.

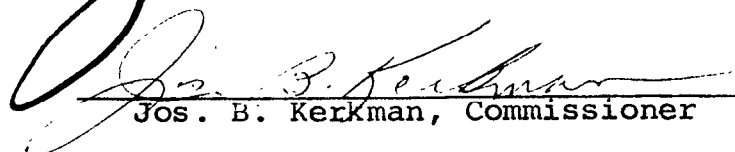
Dated at Madison, Wisconsin, this 22nd day of June, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Mel S. Rice II, Commissioner


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