

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

ST. CROIX COUNTY (HOSPITAL)

of collective bargaining with the above named Municipal Employer on questions of wages, hours and conditions of employment.

Voting Group No. 2

All social workers in the regular employ of the St. Croix County Hospital at New Richmond, Wisconsin, excluding the Director of Treatment Services and all other employees, who were employed on July 17, 1972, except such employees as may prior to the election quit their employment or be discharged, for cause for the purpose of determining

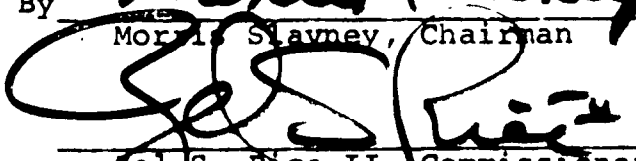
- 1) Whether a majority of such employees desire to be included in one single bargaining unit consisting of the employees set forth in Voting Group No. 1 above, and
- 2) Whether a majority of such employees desire to be represented by St. Croix County Hospital Employees Local 576A, Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO.

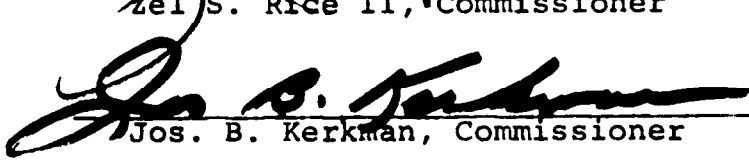
Given under our hands and seal at the City of Madison, Wisconsin, this 27th day of July, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slavney, Chairman

  
Zel S. Rice II, Commissioner

  
Jos. B. Kerkman, Commissioner

MEMORANDUM ACCOMPANYING  
DIRECTION OF ELECTIONS

In its petition initiating the instant proceeding, the Union alleged the appropriate unit to consist of all employes excluding the Director, Assistant Director, Registered Nurses and confidential clerical employes in the employ of the Municipal Employer. The Municipal Employer operates a County mental institution and associated farm, and the only professional employes on its staff are social workers, registered nurses and a registered occupational therapist.

During the course of the hearing the Union indicated that it not only desired to represent the non-professional employes but also desired to represent the professional social workers. The Union does not claim to represent the Registered Nurses nor the Registered Occupational Therapist. During the course of the hearing the parties agreed to the appropriateness of the unit described in Voting Group No. 1.

Section 111.70(4)(d)2(a) permits the establishment of separate units for craft and professional employes and also permits craft and professional employes an opportunity to indicate their desire to be included in a unit with non-professional or non-craft employes. Since the Union desires to represent the social workers in a unit consisting of both professional and non-professional employes, the Commission has directed an election among the non-professional employes to determine whether they desire to be represented by the Union for the purposes of collective bargaining, and further it has directed elections among the non-supervisory social workers to determine whether such professional employes desire to be included in the unit with non-professional employes and whether they desire to be represented for the purposes of collective bargaining by the Union. The Union indicated that it did not wish to represent the professional social workers in a unit consisting of only the professional social workers.

The representation ballots cast by the social workers will be challenged by the Commission agent who conducts the balloting. The sequence of counting the ballots will be as follows:

- 1) The ballots cast by the professional social workers as to their desire to be included in the non-professional unit will be tallied first.
- 2) If a majority of the eligible professional social workers do not vote in favor of inclusion in the non-professional unit, the challenged representation ballots cast by the professional social workers will be impounded.
- 3) If the professional social workers vote in favor of being included in the non-professional unit, the Commission agent shall open the challenged ballots and deposit the ballots in the ballot box with the ballots of the non-professional employes

in such a manner so as to protect the secrecy of the ballots.

- 4) Following the tally of ballots cast by the social workers on the unit question and the impounding or deposit of the ballots cast by the social workers on the representation question, the Board agent will count the representation ballots in the presence of the parties and execute the tally sheet.

Should the professional social workers vote for inclusion in the non-professional unit, the appropriate bargaining unit shall consist of all regular employees of the St. Croix County Hospital at New Richmond, Wisconsin, (including social workers) and excluding the Superintendent, Assistant Superintendent, supervisors (including Director of Treatment Services), confidential employees and all other professional employees. Should the professional social workers reject inclusion in the non-professional unit, then the appropriate unit shall consist of all regular employees of St. Croix County Hospital at New Richmond, Wisconsin, excluding the Superintendent, Assistant Superintendent, professional employees, supervisors and confidential employees.

Issues also arose during the hearing as to whether two Licensed Practical Nurses and a Volunteer Coordinator should be excluded from the bargaining unit. The Union takes the position that all such employees should be included in the bargaining unit, relying on previous decisions of the Commission which included LPN's in bargaining units in other hospitals and an arbitrator's award including a Volunteer Coordinator in a bargaining unit at the Chippewa County Hospital. The Municipal Employer urges that the operations of its mental institution must be distinguished from operations in "general" hospitals providing medical and surgical care, and that the LPN's are supervisors who are used interchangeably with Registered Nurses. As to the Volunteer Coordinator, the Municipal Employer urges that she recruits the volunteers and oversees and directs their activities, warranting her exclusion as a supervisor.

Most of the patients in the St. Croix County Hospital are ambulatory. To the extent that there is any direct "bedside care", such work is performed by a staff of ward aides and ward attendants. At least one LPN or RN is on duty at all times, but such personnel are regarded as being in charge of the shift and are not directly engaged in patient care. The RN or LPN on duty occupies the Nursing Offices during the shift. The nursing personnel in question are under the supervision of the Nursing Supervisor, who was removed from the eligibility list by stipulation of the parties. On some shifts (primarily day shifts) an RN and an LPN will be on duty at the same time, but even at such times the LPN is not engaged in direct patient care. When a psychiatric physician is present, at least one RN will be assigned to work with the psychiatrist, leaving another RN and/or an LPN on duty in the hospital. The hospital operates with an LPN or RN on duty around the clock every day, but there are only two LPN's on the staff. It follows that the LPN's cannot possibly be present on all shifts, and this lends credence to the Employer's contention that the RN and the LPN are interchangeable in its plan of operation. The Commission concludes that the LPN's are supervisors and should be excluded from the unit on that basis.

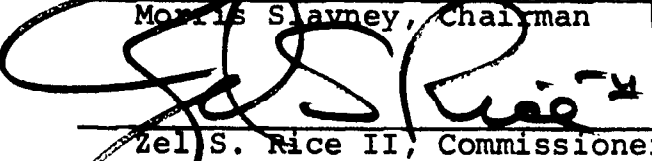
The Volunteer Coordinator is a paid part time employe on the Municipal Employer's staff. She recruits unpaid volunteers to perform work at the hospital and has had occasion to "get rid of" a volunteer worker who was regarded as unsatisfactory. She schedules and assigns the volunteers, but she has no direct supervisory authority concerning other employes of the Municipal Employer. While the functions performed by the Volunteer Coordinator as to the volunteers appears to be "supervisory" in nature, the statutory definition set forth in Section 111.70(1)(o) (1), Wisconsin Statutes, clearly contemplates the exercise of such functions and authority as to employes. Since the volunteers are not employes, the Commission concludes that the Volunteer Coordinator is not a supervisor within the meaning of the statute and should be included in the bargaining unit.

Dated at Madison, Wisconsin, this 27th day of July, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris S. Lawney, Chairman

  
Zel S. Rice II, Commissioner

  
Jos. B. Kerkman, Commissioner