

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

RACINE COUNTY

Involving Certain Employees of

RACINE COUNTY

Case XV
No. 15792 ME-810
Decision No. 11218

Appearances:

Mr. Dennis Flynn, Corporation Counsel, for the County.

Mr. Robert Lyons, District Representative, for the Union.

ORDER CLARIFYING BARGAINING UNIT

Racine County having petitioned the Wisconsin Employment Relations Commission to clarify an existing recognized collective bargaining unit consisting of certain employees in the employ of Racine County, Racine, Wisconsin; and hearing in the matter having been conducted at Racine, Wisconsin, on July 31, 1972, Herman Torosian, Hearing Officer, being present; and the Commission having considered the evidence and arguments of the parties and being fully advised in the premises makes and issues the following


ORDER

That the classifications of Medical Technologist, Food Service Manager, Building Maintenance Engineer II, Head Housekeeper and Laundry Supervisor shall be, and hereby are, excluded from the collective bargaining unit consisting of "all full time employees, including licensed practical nurses, X-ray Technicians, Medical and Lab Technicians, office clerical employees and regular part-time employees as herein defined at Racine County Institutions, but excluding supervisory employees, professional employees, the volunteer coordinator, psychiatric case workers, dietitian, personnel coordinator and the secretary to the administrator".

Given under our hands and seal at the
City of Madison, Wisconsin, this 14th
day of August, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Zel S. Rice II, Commissioner

MEMORANDUM ACCOMPANYING
ORDER CLARIFYING BARGAINING UNIT

The present collective bargaining agreement between the parties defines the collective bargaining unit as "all full time employes, including licensed practical nurses, X-ray Technicians, Medical and Lab Technicians, office clerical employes and regular part-time employes as herein defined at Racine County Institutions, but excluding supervisory employes, professional employes, the volunteer coordinator, psychiatric case workers, dietitian, personnel coordinator and the secretary to the administrator".

Based on said unit description, the County claims that the Medical Technologist should be excluded as a professional employe and that the classifications of Building Maintenance Engineer II, Head Housekeeper, Laundry Supervisor, and Food Service Manager are supervisory positions, and for said reason should be excluded from the unit.

The position of Medical Technologist is occupied by Dorothy J. Anderson, who has a Bachelor of Science degree with a major in medical technology. She is a registered Medical Technologist and a member of the American Society of Clinical Pathologists (ASCP). To be a member of said organization, one must have a four-year degree in medical technology or a related field.

The Medical Technologist's primary duties are to run tests as directed by physicians. The Medical Technologist not only performs the laboratory work required but also must be able to evaluate and interpret the test findings. The Technologist is also required to perform certain tests and make certain findings which a Lab Technician is not qualified to perform.

Based on the substantial period of study required to qualify for the position of Medical Technologist, and the duties and responsibilities of the position requiring independent judgment, the Commission concludes the above position to be professional.

It is the County's contention that the Food Service Manager, Idellia Moore, is a supervisory employe. Moore is responsible for the operation of the Food Service Department, which serves approximately 520 patients. She is responsible for planning, preparing and serving regular and special diets to patients and meals to employes; maintaining areas and equipment in sanitary condition; approving all food requisition and seeing that food and leftovers are used efficiently; keeping records and compiling reports covering technical and administrative operations; and keeping full crews of personnel in all assigned areas.

Under her direction are forty-two permanent employes, who prepare and serve food; five employes employed under the emergency employment act; and four temporary employes who fill in for permanent employes during holidays, vacations and sick leaves. There are also two part-time dietitians with whom the Food Service Manager works in planning meals. Said dietitians, however, are not responsible for the operation of the Food Service Department.

The Food Service Manager plays a part in the hiring procedure by making effective recommendations. After the Personnel Coordinator

hired, said employe must serve a sixty-day probationary period. Moore is responsible for making a written evaluation of each probationary employe and recommending that either the employe be retained or discharged. On three occasions, the Food Service Manager has recommended discharge, which recommendation was carried out by the Administrator.

The Food Service Manager does not effectively recommend promotions in that the promotions are basically by seniority. There is, however, a period of ten working days in which the promoted employe must demonstrate his or her suitability for the job. Based on the employe's performance during said ten days, the Food Service Manager has authority to effectively recommend action.

The Food Service Manager is involved in the first step of the grievance procedure. In the past, however, the Food Service Manager was not considered a department head and, therefore, was not involved in the grievance procedure. Now she is considered a department head and will be involved in the first step of the grievance procedure. There have been no grievances since the change.

The Food Service Manager does not spend any of her time performing duties performed by other employes in the Food Service Department. She spends approximately 50% of her time supervising approximately fifty other employes working in the Food Service Department. The other 50% of her time is spent keeping records, making reports, scheduling work and other administrative duties connected with operating a Food Service Department. She receives approximately \$90.00/month more than the employes she supervises.

The Commission concludes that the Food Service Manager is a supervisor within the meaning of 111.70(1)(o), Wis. Stats., and should not be included in the bargaining unit. The Commission is most influenced by the fact that the Food Service Manager spends all of her time supervising and managing the Food Service Department and has authority to effectively recommend the hiring and firing of employes.

The County contends the remaining three positions, namely, Building Maintenance Engineer II, Head Housekeeper and Laundry Supervisor are supervisory positions. All three employes occupying said positions report directly to the Administrator who has no other contact with employes in said departments.

Gayle Elliott, the Building Maintenance Engineer II, is responsible for the maintenance of four buildings. He has 16 employes working under his direction. Recently, he was responsible for effectively recommending the hiring of a new employe.

The primary duties of the Building Maintenance Engineer II consist of supervising duties and work activities required to operate the Maintenance Department. He spends 70% of his time supervising other employes and performing administrative duties in running the Maintenance Department. His wages are approximately \$30.00 more than the Maintenance Building Engineer I, about \$80.00 more than the Maintenance Man and approximately \$150 more than the Building Maintenance Helper.

The Head Housekeeper, Jean Rogrenrud, is responsible for operating the Housekeeping Department. She is responsible for making shift assignments and directing the work activity of ten employes. She can make effective recommendations in the area of hiring, firing, transfers and disciplinary matters. She has, however, had no occasion to exercise said authority in the past. There is currently a grievance being processed which she is actively involved in along with the Administrator.

Rogrenrud spends approximately 70% of her time supervising the housekeeping operation and directing ten full time employes. Her rate of pay is approximately \$90.00 a month more than other employes employed in the Housekeeping Department.

Virginia Atkinson, the Laundry Supervisor, is responsible for the operation of the laundry and spends approximately 50% of her time supervising nine employees in addition to approximately ten patients performing work in the laundry. She has authority to effectively recommend action in firing, hiring and disciplinary matters but has only had occasion to make said recommendations in cases of transfers. In said cases, approximately four, she has recommended retaining the employees transferred. Said employees were retained as recommended. Her rate of pay is approximately \$90.00 more than the other employees in the Department.

Based on the above, the Commission concludes that the function of Building Maintenance Engineer II, Head Housekeeper, and Laundry Supervisor involves the utilization of both supervisory and managerial authority. They are responsible for the major segment of the operations of their respective departments which necessarily requires supervision of the activity of other employees, and they receive substantially higher compensation as compared to employees under their direction. The Commission is also influenced by the fact that said positions are the only level of management between the Administrator and the employees in the Maintenance Department, Housekeeping Department and the Laundry Department and that the Administrator relies directly upon them for the operation of said departments. The Commission concludes that said employees are supervisory-managerial employees.

Therefore, the Building Maintenance Engineer II, Head Housekeeper and Laundry Supervisory, along with the Medical Technologist and the Food Service Manager, should be excluded from the existing collective bargaining unit.

Dated at Madison, Wisconsin, this *14th* day of August, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Morris Slavney
Morris Slavney, Chairman

Earl S. Rice II
Earl S. Rice II, Commissioner