

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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LOCAL 222, UNITED NURSING HOME AND	:	
HOSPITAL EMPLOYEES' FEDERATION,	:	
	:	
Complainant,	:	
	:	Case XIII
vs.	:	No. 16363 MP-204
	:	Decision No. 11507-A
TWO RIVERS MUNICIPAL HOSPITAL	:	
(INCLUDING HAMILTON MEMORIAL HOME),	:	
	:	
Respondent.	:	
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Appearances:

Mr. Roger Jacobson, Business Representative, Local 222, United Nursing Home and Hospital Employees' Federation, for Complainant.  
Porter, Purtell, Purcell, Wilmot & Burroughs, S.C., Attorneys at Law, by Mr. Dennis J. Purtell, for Respondent.

FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

Local 222, United Nursing Home and Hospital Employees' Federation, herein referred to as Complainant, having, on December 29, 1972, filed a complaint with the Wisconsin Employment Relations Commission wherein it alleged that Two Rivers Municipal Hospital (Including Hamilton Memorial Home), herein referred to as the Municipal Employer, had committed prohibited practices within the meaning of the Wisconsin Municipal Employment Relations Act; and the Commission having appointed Stanley H. Michelstetter, a member of the Commission's staff, to act as Examiner and to make and issue Findings of Fact, Conclusions of Law and Orders as provided in Section 111.07(5) of the Wisconsin Employment Peace Act; and, pursuant to Notice issued by the Examiner, on January 17, 1973, hearing on said complaint having been held at Two Rivers, Wisconsin, on March 20, 1973 and June 1, 1973, before the Examiner; and the Examiner having considered the evidence, arguments and being fully advised in the premises, makes and files the following Findings of Fact, Conclusion of Law and Order.

FINDINGS OF FACT

1. That Local 222, United Nursing Home and Hospital Employees' Federation, herein referred to as Complainant, is a labor organization.

2. That Two Rivers Municipal Hospital, herein referred to as Respondent, is a municipal employer.

3. That during all times material herein Respondent had in its employ Margaret Kohls.

4. That Margaret Kohls received warnings and/or evaluations on February 12, 1970, March 6, 1970 and August 19, 1971, all of which indicated that she was uncooperative and refused to help patients and fellow workers when asked.

5. That in July, 1972 Margaret Kohls engaged in a conversation with a supervisory employe in which such supervisor indicated that it might be wise for the employes to get a union.

6. That three days thereafter, Margaret Kohls was asked by her immediate supervisor as to whether such conversation had been about unions.

7. That on September 19, 1972 Margaret Kohls was again warned about her lack of cooperation with fellow employes and patients.

8. That at various times after November 16, Margaret Kohls among various employes wore union pins while working and that such were seen by all relevant supervisory employes.

9. That on December 5, 1972 the aforementioned supervisor of Margaret Kohls discharged her because she had been uncooperative with fellow employes and patients and that in answer to Kohls' question as to whether such discharge was for union activity, the supervisor denied that such was a factor.

10. That immediately thereafter, on December 5, Margaret Kohls went to the hospital administrator who affirmed the decision of her supervisor to discharge her.

11. That Respondent's sole reason for the aforementioned discharge was the uncooperativeness of Margaret Kohls.

Based upon the above and foregoing Findings of Fact, the Examiner makes the following

#### CONCLUSION OF LAW

That the Respondent's discharge of Margaret Kohls on December 5, 1972 was not due to her activities in or on behalf of the Complainant and Respondent did not commit and is not committing any prohibited

practice within the meaning of the Wisconsin Municipal Employment Relations Act with respect to such termination.

Upon the basis of the above and foregoing Findings of Fact and Conclusion of Law, the Examiner makes the following

ORDER

IT IS ORDERED that the complaint in the above-entitled matter be, and the same hereby is, dismissed.

Dated at Milwaukee, Wisconsin, this 4th day of December, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Stanley H. Michelstetter II  
Stanley H. Michelstetter II  
Examiner

TWO RIVERS MUNICIPAL HOSPITAL (INCLUDING HAMILTON MEMORIAL HOME)  
Case XIII, Decision No. 11507-A

MEMORANDUM ACCOMPANYING  
FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

Complainant alleged that the discharge December 5, 1972 of Margaret Kohls was for union activity in violation of Section 111.70. The evidence adduced at hearing showed that discharge was motivated by Margaret Kohls' lack of cooperation with fellow employes and patients. This conclusion of the Respondent was supported by the testimony of several fellow employes.

On the other hand, Complainant showed that the Employer knew Margaret Kohls was a union adherent and introduced evidence going to the merits of the discharge. No evidence was adduced to show any discriminatory motivation of the Employer with respect to this discharge. The Complainant having shown no evidence tending to establish discriminatory motivation, its case must be dismissed.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Stanley H. Michelstetter II

Stanley H. Michelstetter II  
Examiner