

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WISCONSIN COUNCIL OF COUNTY AND MUNICIPAL
EMPLOYEES, AFSCME, AFL-CIO

and

GREEN BAY VISITING NURSES ASSOCIATION
Green Bay, Wisconsin

Case I
No. 16303 E-2769 R-5422
Decision No. 11548

DIRECTION OF ELECTION AND REFERENDUM

Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, having petitioned the Wisconsin Employment Relations Commission to conduct an election and referendum among certain employees of Green Bay Visiting Nurses Association, pursuant to Sections 111.05 and 111.06 of the Wisconsin Statutes; and hearing on such petition having been conducted at Green Bay, Wisconsin, on January 8, 1973, and the Commission having considered the evidence and being satisfied that questions have arisen concerning representation and concerning an "All-Union Agreement" for certain employees of the Employer named above;

NOW, THEREFORE, it is

DIRECTED

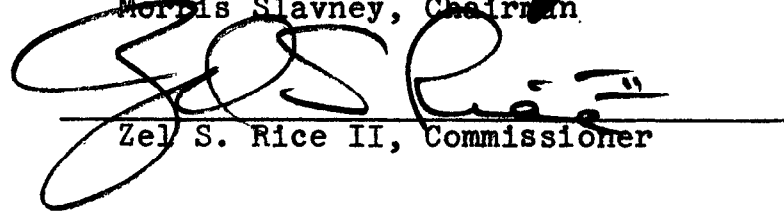
That an election and referendum by secret ballot be conducted under the direction of the Wisconsin Employment Relations Commission within sixty (60) days from the date of this directive in the collective bargaining unit consisting of all regular part-time and full-time staff nurses of Green Bay Visiting Nurses Association, Green Bay, Wisconsin, excluding clerical employees and supervisors, who were employed on January 8, 1973, except such employees as may prior to the election and referendum quit their employment or be discharged for cause, for the purposes of determining: (1) whether a majority of such employees desire to be represented for purposes of collective bargaining by Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO; and (2) whether the required number of such employees favor an "All-Union Agreement" between Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO and Green Bay Visiting Nurses Association.

Given under our hands and seal at the
City of Madison, Wisconsin, this 19th
day of January, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Zel S. Rice II, Commissioner

MEMORANDUM ACCOMPANYING
DIRECTION OF ELECTION AND REFERENDUM

During the course of the hearing a question arose concerning the eligibility of two part-time employes, Kaye Christman and Ann Heinz, to vote in the election and referendum. 1/

The Employer contends that Christman and Heinz are not regular part-time employes, and therefore, should be ineligible to vote. The Union argues that Christman and Heinz are regular part-time employes in view of the number of hours which they work and of the performance of duties identical to those performed by the full-time employes.

Christman and Heinz are paid on an hourly basis while the full-time employes receive a monthly salary. On an average, Christman works approximately one-third (1/3) and Heinz works approximately one-fourth (1/4) of the hours available in a month to a full-time employe. On the days they are called into work, they normally work four hours. The number of hours in a day and the number of days in a week, which they work, will vary with, and is dependent on, the work load of the full-time employes. Neither Christman nor Heinz works a regular predetermined schedule of hours and/or days, but rather, they only work when called in by the Employer because the daily work load is too heavy for the full-time employes to perform or when a full-time employe is absent. Such notification, or call-in, is normally given to the employe on the day preceding the date on which the work is available, after the Nurse Supervisor has determined the work load schedule for that day.

The Commission is satisfied that Christman and Heinz are casual, on-call employes rather than regular part-time employes, and therefore, are not eligible to vote.

Dated at Madison, Wisconsin, this 19th day of January, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Zel S. Rice II, Commissioner

1/ The parties stipulated that Margaret Nelson, the acting Nurse Supervisor, is a supervisor, and therefore, ineligible to vote.