

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of	:	
	:	
INTERNATIONAL BROTHERHOOD OF FIREMEN	:	
& OILERS LOCAL 125	:	Case XV
	:	No. 16638 E-2784
For Determination of Bargaining	:	Decision No. 11845
Representatives for Certain Employes of	:	
	:	
ST. MICHAEL HOSPITAL OF FRANCISCAN	:	
SISTERS	:	
	:	

Appearances:

Mr. Robert Lamping, Business Representative, appearing on behalf of the Petitioner.
 Porter, Purtell, Purcell, Wilmot & Burroughs, S.C., Attorneys at Law, by Mr. Dennis J. Purtell, appearing on behalf of the Employer.

DIRECTION OF ELECTIONS

International Brotherhood of Firemen & Oilers Local 125 having filed a petition with the Wisconsin Employment Relations Commission requesting that an election be conducted pursuant to Section 111.05 of the Wisconsin Employment Peace Act among certain employes of St. Michael Hospital of Franciscan Sisters at its Milwaukee, Wisconsin location; and hearing in the matter having been conducted at Milwaukee, Wisconsin, on May 3, 1973, before Stanley H. Michelstetter II, Hearing Officer; and the Commission having considered the evidence and being satisfied that questions have arisen concerning the appropriate bargaining unit and representation for certain employes of said Employer;

NOW, THEREFORE, it is

DIRECTED

That elections 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 voting group consisting of all regular full-time and all regular part-time employes employed in the Maintenance Department of St. Michael Hospital of Franciscan Sisters, but excluding supervisors and executives, who were employed by the Employer on May 11, 1973, except such employes as may prior to the election quit their employment or be discharged for cause, for the purpose of determining

- (1) Whether a majority of the eligible employes in such voting group desire to constitute a collective bargaining unit separate and apart from all other employes of St. Michael Hospital of Franciscan Sisters; and

- (2) Whether a majority of such employes voting desire to be represented for the purposes of collective bargaining by International Brotherhood of Firemen & Oilers Local 125.

Given under our hands and seal at the City of Madison, Wisconsin, this 11th day of May, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By



Morris Slavney, Chairman

Zel S. Rice II, Commissioner

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTIONS

The Petitioner seeks an election among all regular full-time and regular part-time employes of the Employer employed in its Maintenance Department. Said Department consists of employes occupying the following classifications, none of whom are considered supervisory or confidential employes:

Maintenance Man A
Maintenance Man B
Painter
Head Groundskeeper
Groundskeeper
Foreman
Acting Supervisor
Clerk-Typist
Biomedical Electronic Technician

The Employer raised two questions for determination by the Commission. First, the Employer desired to have the Commission re-evaluate its position on its requirement of a showing of interest in cases where there exists no recognized or certified bargaining representative. The policy of the Commission will remain as stated:

"As has been stated in numerous cases, the Commission will not deviate from its established practice of not requiring a showing of interest in cases where there exists no recognized or certified bargaining representative." 1/

The Employer has also contended that the Clerk-Typist who works in the Maintenance Department should be included in the departmental unit. Section 111.02(6), Wisconsin Statutes, defines "collective bargaining units" as ". . . all the employes of one employer (employed within the state), except that where a majority of such employes engaged in a single craft, division, department or plant shall have voted by secret ballot as provided in section 111.05(2) to constitute such group a separate bargaining unit they shall be so considered" We are without the power to determine an appropriate unit except to determine whether or not a group of employes are engaged in a single craft, division, department or plant. 2/

The parties have agreed that maintenance employes constitute a separate department, although they disagree as to whether the Clerk-Typist is a member of that department. While the Clerk-Typist does not perform any maintenance work, she is an employe of the Maintenance Department, and, therefore, since the unit which may be established in this matter would constitute those employes of the Maintenance Department, the Clerk-Typist is to be included in the voting group although her training, function and wage rate are substantially different from the remaining employes in the department.

Dated at Madison, Wisconsin, this 11th day of May, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By



Morris Slavney, Chairman

Zel S. Rice II, Commissioner

- 1/ St. Michael's Hospital of the Franciscan Sisters (10771) 2/72.
2/ Superior Memorial Hospital (7791) 11/66.