



MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

The Petitioner seeks to represent a collective bargaining unit of all employes of Rock County (Youth Home), but excluding professional, supervisory, managerial and clerical employes. The classifications in such desired unit consist of Child Care Workers and a Cook. During the course of the hearing, an issue arose as to whether the unit as petitioned for constitutes an appropriate collective bargaining unit within the meaning of Section 111.70(4)(d), of the Municipal Employment Relations Act. The Petitioner and Intervenor are in agreement that the Child Care Workers are not professional employes. Furthermore, both parties aver that the Rock County (Youth Home) Child Care Workers and Cook are not presently represented for the purposes of collective bargaining with the Municipal Employer.

The Intervenor argues that the alleged appropriate unit represents an appropriate accretion to the existing collective bargaining unit presently represented by the Intervenor consisting of: "(1) all regular full-time and regular part-time clerical employes in the Courthouse, the Airport, the Beloit County Building, the Guidance Center and Youth Home, the Department of Social Services, the Highway Department, the Sheriff's Department; (2) all regular full-time and regular part-time airport maintenance employes; (3) all regular full-time and regular part-time Parks Department employes and (4) the matrons, but excluding all confidential, supervisory, craft and professional employes and all other employes of Rock County." 1/

During the hearing, the parties alleged that the Youth Home was not in existence at the time of the initial election hearing. However, the unit description indicates that the Clerk-Stenographer employed in the Youth Home was included in the residual unit at that time.

Whether the positions of Youth Home Child Care Worker and Cook were non-existent in 1971, or were merely overlooked in the earlier proceeding, cannot be established herein. In that the parties present at the instant proceeding agreed that the Child Care Workers and Cook employed at the Youth Home have not, to date, been represented for the purposes of collective bargaining, we are satisfied that a question of representation has arisen in the instant proceeding.

The Intervenor notes a previous Commission decision involving certain employes of Rock County in which the Commission directed the accretion of the Matrons to the aforementioned existing unit, rather than extracting the clerical and food service employes in the Sheriff's department from the broader unit represented by the Intervenor and joining them in a separate unit with the Matrons as initially petitioned for. 2/

The Intervenor argues that, in light of the statutory directive to avoid fragmentation, the Youth Home employes should be included in the aforementioned residual collective bargaining unit represented by the Intervenor.

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1/ See Rock County, (10352-A), 7-71, and (10895), 3-72.

2/ Rock County, (10895), 3-72.

The Intervenor further requests that in the event the Commission finds a separate unit of Child Care Workers and Cook employed in the Rock County (Youth Home) to be appropriate, that its name appear on such ballot as may be directed in that unit.

Section 111.70(4)(d)2a, MERA, states that:

"The Commission shall determine the appropriate bargaining unit for the purpose of collective bargaining and shall whenever possible avoid fragmentation by maintaining as few units as practicable in keeping with the size of the total municipal work force. In making such a determination, the commission may decide whether, in a particular case, the employes in the same or several departments, divisions, institutions, crafts, professions or other occupational groupings constitute a unit. . . ."

We are satisfied that the Child Care Workers and Cook employed in the Rock County (Youth Home) function in an institution or division which is distinct from those covered by the residual and other units in terms of their work function, immediate supervision, physical separation of facilities and lack of interchange with other divisions. Furthermore, we note that employes of Rock County are represented in a multiplicity of collective bargaining units based upon various departmental and occupational categories. Separate units have been appropriately established as consisting of: "(1) all employes of Rock County (Highway Department), except craft, supervisory and clerical employes; 3/ (2) all regular full-time and regular part-time employes of Rock County (Rock County Hospital, Rock Haven Home and Pinehurst Sanitarium), excluding Superintendent, supervisory, confidential clerical and temporary employes; 4/ (3) all Social Workers and Social Worker Trainees of Rock County (Department of Social Services, excluding all other professional and non-professional employes and supervisors; 5/ (4) all employes of Rock County (Building Maintenance Department) except the superintendent; 6/ (5) all regular full-time and regular part-time registered professional nurses employed by Rock County Nursing Service including the supervisor of public health nurses, but excluding all other employes of Rock County; 7/ (6) (a) all regular full-time and regular part-time clerical employes of Rock County in the Courthouse, Airport, Beloit County Building, Guidance Center and Youth Home, Department of Social Services, Highway Department and Sheriff's Department, and (b) all regular full-time and regular part-time airport maintenance employes, (c) all regular full-time and regular part-time Rock County (Parks Department) employes and (d) all matrons employed in Rock County (Sheriff's Department) but excluding all confidential,

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- 3/ Represented by Rock County Employees, Local 1077, AFSCME, AFL-CIO, Decision No. 6144, 6144-B, certified 11-19-62 and 5-31-68.
- 4/ Represented by Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, Decision No. 6243-F, certified 1-12-68.
- 5/ Represented by District 48, International Association of Machinists and Aerospace Workers, Decision 9428, certified 2-17-70.
- 6/ Represented by Rock County Employees, Local 1077-B, AFSCME, AFL-CIO, Decision No. 9865, certified 9-30-70.
- 7/ Represented by Wisconsin Nurses Association, Inc., Decision 9948, certified 11-17-70.

supervisory, craft, professional and all other employes of Rock County; 8/ and (7) all regular full-time and regular part-time registered nurses employed by Rock County excluding supervisors and all other employes." 9/

Based on the foregoing, we conclude that a separate unit consisting of all employes of Rock County (Youth Home) excluding supervisory, professional, managerial and clerical employes is an appropriate collective bargaining unit.

Dated at Madison, Wisconsin, this 5th day of July, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slavney, chairman

  
Zel S. Rice II, Commissioner

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- 8/ Represented by Rock County Employees, Local 1077-A, AFSCME, AFL-CIO, Decision 10353-A, 10895, certified 8-23-71, amended 3-30-72.
- 9/ Represented by Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, Decision 10978, certified 6-8-72.