

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petitions of :
 :
LOCAL 222, UNITED NURSING HOME & :
HOSPITAL EMPLOYEES' FEDERATION and :
LOCAL 150, SERVICE AND HOSPITAL :
EMPLOYEES' INTERNATIONAL UNION : Case II
 : No. 16748 E-2792
Involving Certain Employes of : Decision No. 12017
 :
ST. MARY'S HOSPITAL MEDICAL CENTER :
Green Bay, Wisconsin :
 :

Appearances:

- Mr. Roger Jacobson, Business Manager, appearing on behalf of
Local 222, United Nursing Home & Hospital Employees'
Federation.
Mr. Gary Robinson, Director of Field Services, appearing on
behalf of Local 150, Service and Hospital Employees'
International Union.
Mr. David Purcell, Porter, Purtell, Purcell, Wilmot & Burroughs,
Attorneys at Law, appearing on behalf of the Employer.

DIRECTION OF ELECTION

Local 222, United Nursing Home & Hospital Employees' Federation and Local 150, Service and Hospital Employees' International Union having separately petitioned the Wisconsin Employment Relations Commission to conduct an election among certain employes of St. Mary's Hospital Medical Center, Green Bay, Wisconsin; and hearing on such petitions having been heard at Green Bay, Wisconsin, on May 29, 1973, Douglas V. Knudson, Hearing Officer, having been present; and the Commission being satisfied that a question has arisen concerning representation for certain employes of the above named Employer;

NOW, THEREFORE, it is

DIRECTED

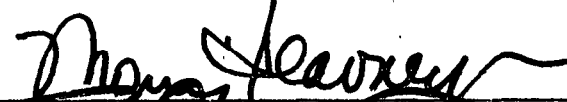
That an election by secret ballot be conducted under the direction of the Wisconsin Employment Relations Commission within sixty (60) days from the date of this directive in the collective bargaining unit consisting of all regular full-time and regular part-time employes of St. Mary's Hospital Medical Center, Green Bay, Wisconsin, excluding supervisors, managerial employes, casual employes, confidential employes, and members of a religious order, who were employed by the Employer on July 18, 1973, except such employes as may prior to the election quit their employment or be discharged for cause, for the purpose of determining whether a majority of such employes desire to be represented for the purpose of collective bargaining by Local 222, United

Nursing Home & Hospital Employees' Federation, or by Local 150, Service and Hospital Employees' International Union, or by neither of said organizations.

Given under our hands and seal at the City of Madison, Wisconsin, this 18th day of July, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slaveney, Chairman


Zel S. Rice II, Commissioner

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

During the course of the hearing, the Employer requested the Commission to adopt a showing of interest rule where there exists no recognized or certified bargaining representatives. The Commission reaffirms its policy of not requiring a showing of interest by a labor organization where there exists no recognized or certified bargaining representative. 1/

The Employer contends that the petition filed by Local 150 is deficient in that the Employer's name is incorrectly stated, that the approximate number of employees, as well as the approximate number of employees in the claimed unit are substantially in error, and, a statement to the effect that a substantial number of employees expressed an interest in being represented by Local 150 in collective bargaining is not definitive. The Commission concludes that the question concerning representation is properly raised by the statement contained in the petition. 2/ The Commission does not believe that the incomplete Employer's name and numerical errors are sufficient grounds for the dismissal of the petition.

In its petition, Local 150 requested an overall bargaining unit of all employees of the Employer, except for the statutory exclusions and the further exclusion of craft employees and office-clerical employees. Local 222 seeks an overall bargaining unit of all employees including the craft and the office-clerical employees. During the course of the hearing, Local 150 amended its petition to include the craft employees in the overall bargaining unit. It is the position of Local 150 that the office-clerical employees constitute a separate department and, therefore, should be either excluded from the bargaining unit sought or provided with a separate ballot to determine whether they wish to constitute a bargaining unit separate and apart from the other employees of the Employer. Both the Employer and Local 222 would include the office-clerical employees in the overall bargaining unit. Local 222 would desire to appear on the ballot should the Commission direct a unit determination ballot among the office-clerical employees. The record reveals that the office-clerical employees work in various locations throughout the hospital and report to various supervisors, some of whom also supervise other employees in the overall bargaining unit. For example, the ward clerks work in various departments and report to the nursing service director who is also responsible for the supervision of registered nurses, orderlies and licensed practical nurses. Clerical employees in the laboratory, x-ray, and medical records departments report to the respective supervisors of those departments. Clerical employees in the credit and collection department have a separate supervisor as do the business office employees and the switchboard operator. The Commission is persuaded, by the absence of common supervision and a common working location, that there is no statutory basis to establish the office clerical employees as a separate department or division and therefore they are included in the overall unit of all employees of the Employer.

1/ St. Michael Hospital of Franciscan Sisters (11845) 5/73; Manitowoc Memorial Hospital (11592) 6/73.

2/ Pavillion Nursing Home, Inc. (7932) 3/67.

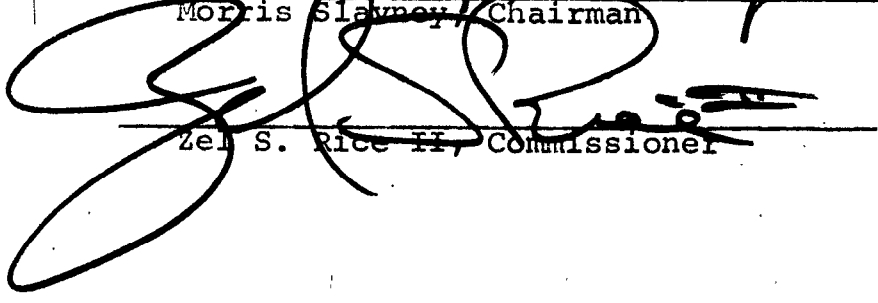
During the course of the hearing, the parties stipulated that the dietician should be excluded as supervisor.

Dated at Madison, Wisconsin, this 18th day of July, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slawney, Chairman


Zel S. Rice II, Commissioner