

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

HOWARD YOUNG MEDICAL CENTER

Case I  
No. 17195 E-2817  
Decision No. 12413-A

Lederer, Fox and Grove, Attorneys at Law, by Mr. Philip C. Lederer, appearing on behalf of the Employer.

NOW, THEREFORE, it is

Given under our hands and seal at the  
City of Madison, Wisconsin this 10<sup>th</sup>  
day of April, 1974.

Howard S. Bellman  
Howard S. Bellman, Commissioner

MEMORANDUM ACCOMPANYING  
ORDER DISMISSING PETITION FOR ELECTION

Howard Young Medical Center is a 62-bed proprietary hospital. The hospital is located in two buildings, the main hospital building and a separate administrative building. The staff numbers approximately 160 employes.

During the course of the hearing, the Union, Petitioner herein amended its description of the unit by expanding the exclusions noted in its original petition. 1/ The amended description reads as follows:

"All regular full-time and regular part-time employees, but excluding registered nurses, LPN's, professional and certificated personnel, auxiliary and junior volunteers, supervisory and confidential employees."

The Wisconsin Employment Peace Act defines an appropriate collective bargaining unit at Section 111.02(6) as "all employes of one employer except that when the majority of such employes engaged in a single craft, division, department or plant shall have voted by secret ballot constitute such group as a separate bargaining unit."

The Union maintains that the unit, as amended, is a normal unit which is prevalent in the State of Wisconsin. The Union did not present any testimony, oral or written argument to support its position.

The Employer maintains that the appropriate unit should include all of its employes. The Employer developed an extensive record in support of its position and presented testimony on the departmental structure of the hospital. The unit petitioned for herein does not consist of all of the otherwise eligible employes of the Employer, but would include employes in various departments or occupations to the exclusion of employes in other departments or occupations, e.g., registered nurses, LPN's, professional and certificated personnel. Employes employed in separate professions or departments can only be severed from an overall unit of employes if they so express themselves in a unit vote conducted by the Commission. Neither party has requested separate unit votes among the employes which the Union desires to be excluded from the overall unit. Therefore, we have concluded that the unit desired by the Union does not constitute an appropriate collective bargaining unit within the meaning of the Wisconsin Employment Peace Act, and we are, therefore, dismissing the petition.

It should be noted that evidence was adduced with regard to the departmental structure of the Employer as well as to the professional status of certain classifications. Should the Union file a petition or petitions seeking an election or elections among either all the otherwise eligible employes of the Employer or separate unit votes for the employes employed in separate departments or professions, the Commission's determination herein shall not constitute a bar to the processing of such petition or petitions, and no further hearing will be necessary, since during the course of the hearing on the instant petition,

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1/ The unit, as described in the petition, is as follows:

"All regular full-time and regular part-time employees but excluding registered nurses, LPN's, office, clerical, supervisory and confidential employees."

sufficient evidence was adduced with respect to the departmental and professional status of the employees involved, as well as to supervisory and confidential employees.

Dated at Madison, Wisconsin this 10<sup>th</sup> day of April, 1974

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney -  
Morris Slavney, Chairman

Howard S. Bellman  
Howard S. Bellman, Commissioner