

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

MERCY HOSPITAL
Janesville, Wisconsin

Case I
No. 17235 E-2820
Decision No. 12414

Mr. James Billings, Business Representative, appearing on behalf of the Petitioner.

Local 150, Service and Hospital Employees' International Union, AFL-CIO, having petitioned the Wisconsin Employment Relations Commission to conduct an election among certain employees of Mercy Hospital, Janesville, Wisconsin; and a hearing on such petition having been conducted at Janesville, Wisconsin, on November 7, 1973, by Kay Hutchison, Hearing Officer; and the Commission, having considered the evidence, and being satisfied that the unit proposed by the Petitioner is inappropriate for the purposes of collective bargaining within the meaning of Section 111.02(6) of the Wisconsin Employment Peace Act;

ORDERED

Given under our hands and seal at the
City of Madison, Wisconsin, this 21st
day of January, 1974.

Howard S. Bellman
Howard S. Bellman, Commissioner

MEMORANDUM ACCOMPANYING
ORDER DISMISSING PETITION FOR ELECTION

In its petition the Union contended that the appropriate bargaining unit consisted of all regular full-time and regular part-time employees of Mercy Hospital including nursing assistants, ward clerks, X-ray aides, therapy aides, central supply, housekeeping, dietary, laundry and maintenance department employees, but excluding supervisors, registered nurses, licensed practical nurses, office employees, members of the religious order and confidential employees.

The Employer urges the Commission to dismiss the petition on the basis that the Petitioner has failed to provide a showing of interest, and further, that the unit, as petitioned for, is inappropriate within the meaning of Section 111.02(6) of the Wisconsin Employment Peace Act. None of the employees in the proposed unit are presently represented for the purposes of collective bargaining. 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/

Section 111.02(6) defines an appropriate collective bargaining unit as "all employees of one employer, except that where the majority of such employees engaged in a single craft, division, department or plant shall have voted by secret ballot to constitute such group a separate bargaining unit." The unit petitioned for herein does not consist of all of the otherwise eligible employees but would include employees in various departments and occupations to the exclusion of employees in other departments or occupations, e.g. licensed practical nurses and office employees, who are neither craft or professional employees entitled to separate unit votes.

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 therefore we are therefore dismissing the proceeding.

Dated at Madison, Wisconsin, this 21st day of January, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Morris Blayney
Morris Blayney, Chairman

Zel S. Rice II
Zel S. Rice II, Commissioner

Howard S. Bellman
Howard S. Bellman, Commissioner

1/ St. Michael Hospital of Franciscan Sisters (11845) 5/73; Manitowoc Memorial Hospital (11592) 6/73; St. Mary's Hospital Medical Center (12017) 7/73.