

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

ST. JOSEPH'S HOSPITAL

Involving Certain Employees of

ST. JOSEPH'S HOSPITAL

Case XXI

No. 17089 E-2610

Decision No. 12480

ORDER DISMISSING PETITION

St. Joseph's Hospital, Milwaukee, Wisconsin, by its President, having petitioned the Wisconsin Employment Relations Commission to conduct an election pursuant to Section 111.05(3) of the Wisconsin Statutes, among its employees in a collective bargaining unit consisting of all regular full-time and regular part-time employees working twenty hours or more per week as orderlies, maids, janitors, laundry, kitchen, lab aides, central supply aides, surgery aides, aides and cafeteria workers, excluding all other employees, supervisors, office and professional employees, and all affiliates of a religious order, registered nurses, students, craft and technical employees, to determine whether said employees desire to continue to be represented by Local 150, Service & Hospital Employees' International Union, AFL-CIO, for the purposes of collective bargaining on questions of wages, hours and conditions of employment; and hearing on such petition having been conducted on December 18, 1973, at Milwaukee, Wisconsin by Marshall L. Gratz, Hearing Officer; and the Commission having considered the evidence and arguments of the parties and being satisfied that the petition filed herein should be dismissed for the reason that said Employer-Petitioner has failed to show by sufficient objective considerations that there is reasonable cause to believe that the aforesaid incumbent labor organization may have lost its majority status;

NOW, THEREFORE, it is

ORDERED

That the petition filed herein be, and the same hereby is, dismissed.

Given under our hands and seal at the
City of Madison, Wisconsin this 13th
day of February, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Thomas Slavney
Morris Slavney, Chairman

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

Howard S. Bellman
Howard S. Bellman, Commissioner

MEMORANDUM ACCOMPANYING
ORDER DISMISSING PETITION

Where, as here, there exists a presently certified bargaining representative, the Commission will not conduct a subsequent election on a petition filed by an employer unless it is shown, by sufficient objective considerations, that there is reasonable cause to believe that the incumbent organization may have lost its majority status. 1/

The record in the instant case establishes that of the 449 employees in the bargaining unit on December 8, 1973, only 75 (16.7%) were in the bargaining unit when the October, 1964 election and referendum which was the basis for the Union's certification was conducted, and only 136 (30.2%) were in the bargaining unit when in October, 1967 an "all-union agreement" referendum was conducted. 2/

It is also established that at a union meeting in mid-1973, the membership "... voted down the hospital's wage offer by a vote of 47 to 1." That fact suggests that less than 11% of the 449 eligibles were present at said membership meeting.

The record also discloses that the Union has not filed or otherwise processed any grievance on behalf of a unit employee in over 18 months. However, it filed the unfair labor practice complaint previously dismissed and an action in Federal District Court against the Employer with regard to bargaining unit employees.

In addition, Hospital Personnel Director Frost testified that between 12 and 15 supervisory personnel reported to him that, "... for the most part . . .", the bargaining unit employees they supervise "... want no part in Local 150 or of its goals", or of a possible strike against the Employer. Frost received said reports in response to his announcement to supervisors that the Union had expressed at the bargaining table an intention to conduct a strike vote and his request that the supervisors go out and "... get a reading . . ." of employee attitudes concerning the results that could be expected in such a vote.

Reviewing the foregoing factors individually and as a whole, the Commission concludes that the Employer has not made a sufficient showing by objective considerations that it has reasonable cause to believe that the incumbent organization may have lost its majority status. High turnover is not uncommon in hospital employment; standing alone, that factor does not establish the requisite reasonable cause.

1/ Wauwatosa Board of Education, Dec. No. 8300-A (2/68); Wausau Hospitals, Inc., Dec. No. 11343 (11/72).

2/ The Commission's records indicate that the results of the 1964 election and referendum and of the 1967 referendum were as follows:

	<u>1964 Election</u>	<u>1964 Referendum</u>	<u>1967 Referendum</u>
Number of Eligibles	313 (100%)	313 (100%)	372 (100%)
Valid Ballots Cast	262 (84%)	265 (85%)	217 (58%)
"Yes" ballots	150 (48%)	145 (46%)	177 (48%)
"No" ballots	112 (36%)	120 (38%)	40 (11%)

The fact that a small percentage of the employees were in attendance at the union membership meeting does not necessarily infer that the Union no longer enjoys a majority status. It may be inferred that only a small portion of the employees are Union members, or that the Union employees are apathetic toward union meeting attendance or that there is a high degree of membership satisfaction with the nature of the representation being provided by the Union.

Unlike the unsolicited indications in the Wausau Hospital case (supra) of certain employees' desires to terminate the representative status of the Union, the evidence herein of employee sentiments is much less reliable since it is third-hand, and since the reporting supervisors were sent out to determine employee opinion. Again, unlike the Wausau case, the record of interim referendum results herein shows no erosion of employee support for the Union.

Inasmuch as the petition herein is dismissed on the basis of the foregoing considerations, no rulings are made upon various other contentions of the parties including those regarding contract-bar and the effect of alleged employer unfair labor practices.

For the foregoing reasons, the instant Petition has been dismissed.

Dated at Madison, Wisconsin this 13th day of February, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Thomas Slavney
Morris Slavney, Chairman

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