

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

-----	:	Case II
	:	No. 17818 E-2843
	:	Decision No. 12764
	:	
In the Matter of the	:	Case III
Petitions of	:	No. 17819 E-2844
	:	Decision No. 12765
	:	
NATIONAL UNION OF HOSPITAL	:	Case IV
& HEALTH CARE EMPLOYEES, A	:	No. 17820 E-2845
DIVISION OF RWDSU, AFL-CIO	:	Decision No. 12766
	:	
Involving Certain	:	Case V
Employees of	:	No. 17821 E-2846
	:	Decision No. 12767
	:	
TRINITY MEMORIAL HOSPITAL	:	Case VI
OF CUDAHY, INC.	:	No. 17822 E-2847
	:	Decision No. 12768
	:	
-----	:	Case VII
	:	No. 17841 E-2849
	:	Decision No. 12769

Appearances:

Perry & First, Attorneys at Law, by Mr. Richard Perry for the  
Petitioner.

Porter, Purtell, Purcell, Wilmot & Burroughs, S.C., Attorneys at  
Law, by Mr. Dennis J. Purtell, for the Employer.

Ms. June Watke, Business Representative, for Intervenor Wisconsin  
Nurses Association.

Mr. Don Beatty, President, for Intervenor, Service & Hospital  
Employees' International Union, Local No. 150, AFL-CIO.

DIRECTION OF ELECTIONS

National Union of Hospital & Health Care Employees, a division of RWDSU, AFL-CIO, herein referred to as Petitioner, having filed separate petitions with the Wisconsin Employment Relations Commission to conduct separate elections, pursuant to Section 111.05 of the Wisconsin Employment Peace Act, among certain employees of Trinity Memorial Hospital of Cudahy, Inc., herein referred to as the Employer; and hearing having been held on May 1, 1974 at Milwaukee, Wisconsin, before Stanley H. Michelstetter II, Hearing Officer, wherein Wisconsin Nurses Association, herein referred to as Association, being permitted to intervene upon its claim of representing Registered Nurses in the employ of the Employer and Service & Hospital Employees' International Union, Local No. 150, AFL-CIO, herein referred to as Local 150, being permitted to intervene on its claim of representing the employees involved; and the Commission having considered the petitions, evidence and arguments of Counsel, and being satisfied that questions have arisen concerning appropriate collective bargaining units and concerning representation for certain employees of said Employer;

NOW, THEREFORE, it is

DIRECTED

That elections by secret ballot be conducted under the direction of the Wisconsin Employment Relations Commission within sixty (60) days

Nos. 12764, 12765, 12766,  
12767, 12768, 12769

from the date of this Directive in the following separate voting groups of employees in the employ of Trinity Memorial Hospital of Cudahy, Inc., at its 5900 South Lake Drive facility, Cudahy, Wisconsin:

Voting Group No. 1

All regular full-time and all regular part-time Registered Nurses, excluding supervisors, confidential employees, members of a religious order, and all other employees who were employed by the Employer on June 7, 1974, except such employees as may prior to the elections quit their employment or be discharged for cause, for the purpose of determining

- (1) Whether a majority of all Registered Nurses desire to constitute themselves a separate collective bargaining unit;
- (2) Provided that the required number of Registered Nurses vote to establish a separate unit, whether a majority of such employees voting desire to be represented by National Union of Hospital & Health Care Employees, a division of RWDSU, AFL-CIO; or by Wisconsin Nurses Association; or by Service and Hospital Employees' International Union, Local 150, AFL-CIO; or by no organization, for the purposes of collective bargaining with the above-named Employer on matters concerning wages, hours and conditions of employment; however,
- (3) Provided that the required number of Registered Nurses do not vote to establish a separate unit, they will be included in Voting Group No. 2.

Voting Group No. 2

All regular full-time and all regular part-time employees of the Nursing Service Department (conditionally excluding Registered Nurses), excluding supervisors, confidential employees, members of a religious order, and all other employees who were employed by the Employer on June 7, 1974, except such employees as may prior to the elections quit their employment or be discharged for cause, for the purpose of determining

- (1) Whether a majority of such eligible employees desire to constitute themselves a separate collective bargaining unit; and
- (2) Whether a majority of such employees voting desire to be represented by National Union of Hospital & Health Care Employees, a division of RWDSU, AFL-CIO; Service & Hospital Employees' International Union, Local No. 150, AFL-CIO; or none of the above, for the purposes of collective bargaining with the above-named Employer on matters concerning wages, hours and conditions of employment.

Voting Group No. 3

All regular full-time and all regular part-time employees of the Housekeeping Department, excluding supervisors, confidential employees, members of a religious order, and all other employees, who were employed by the Employer on June 7, 1974, except such employees as may prior to the elections quit their employment or be discharged for cause, for the purpose of determining

- (1) Whether a majority of such eligible employees desire to constitute themselves a separate collective bargaining unit; and
- (2) Whether a majority of such employees voting desire to be represented by National Union of Hospital & Health Care

Employees, a division of RWDSU, AFL-CIO; Service & Hospital Employees' International Union, Local No. 150, AFL-CIO; or none of the above, for the purposes of collective bargaining with the above-named Employer on matters concerning wages, hours and conditions of employment.

Voting Group No. 4

All regular full-time and all regular part-time employees of the Respiratory Therapy Department, excluding supervisors, confidential employees, members of a religious order, and all other employees, who were employed by the Employer on June 7, 1974, except such employees as may prior to the elections quit their employment or be discharged for cause, for the purpose of determining

- (1) Whether a majority of such eligible employees desire to constitute themselves a separate collective bargaining unit; and
- (2) Whether a majority of such employees voting desire to be represented by National Union of Hospital & Health Care Employees, a division of RWDSU, AFL-CIO; Service & Hospital Employees' International Union, Local No. 150, AFL-CIO; or none of the above, for the purposes of collective bargaining with the above-named Employer on matters concerning wages, hours and conditions of employment.

Voting Group No. 5

All regular full-time and all regular part-time employees of the Dietary Department, excluding supervisors, confidential employees, members of a religious order, and all other employees, who were employed by the Employer on June 7, 1974, except such employees as may prior to the elections quit their employment or be discharged for cause, for the purpose of determining

- (1) Whether a majority of such employees desire to constitute themselves a separate collective bargaining unit; and
- (2) Whether a majority of such employees voting desire to be represented by National Union of Hospital & Health Care Employees, a division of RWDSU, AFL-CIO; Service & Hospital Employees' International Union, Local No. 150, AFL-CIO; or none of the above, for the purposes of collective bargaining with the above-named Employer on matters concerning wages, hours and conditions of employment.

Voting Group No. 6

All regular full-time and all regular part-time employees of the Pharmacy Department, excluding supervisors, confidential employees, members of a religious order, and all other employees, who were employed by the Employer on June 7, 1974, except such employees as may prior to the elections quit their employment or be discharged for cause, for the purpose of determining


- (1) Whether a majority of such employees desire to constitute themselves a separate collective bargaining unit; and
- (2) Whether a majority of such employees voting desire to be represented by National Union of Hospital & Health Care

Employees, a division of RWDSU, AFL-CIO; Service & Hospital Employees' International Union, Local No. 150, AFL-CIO; or none of the above, for the purposes of collective bargaining with the above-named Employer on matters concerning wages, hours and conditions of employment.

Given under our hands and seal at the  
City of Madison, Wisconsin, this 7th  
day of June, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slavney, Chairman

  
Zel S. Rice II, Commissioner

  
Howard S. Bellman, Commissioner

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTIONS

The Petitioner requests elections among employees employed in the following Departments of the Employer's facility at 5900 South Lake Drive, Cudahy.

Case II Included: All employees of the Nursing Service Department.

Excluded: Supervisors, confidential employees, members of a religious order, craft employees who have voted under WERC rules to form a craft unit, and employees in all other departments.

Case III Included: All employees of the Housekeeping Department.

Excluded: Supervisors, confidential employees, members of a religious order, and employees in all other departments.

Case IV Included: All employees of the Respiratory Therapy Department.

Excluded: Supervisors, confidential employees, members of a religious order, and employees in all other departments.

Case V Included: All employees of Dietary Department.

Excluded: Supervisors, confidential employees, members of a religious order, and employees in all other departments.

Case VI Included: All Registered Nurses.<sup>1/</sup>

Excluded: Supervisors, confidential employees, members of a religious order, and all other employees.

Case VII Included: All employees of the Pharmacy Department.

Excluded: Supervisors, confidential employees, members of a religious order, and all other employees.

During the course of hearing conducted May 1, 1974, Local 150, Service & Hospital Employees' International Union, AFL-CIO (herein Local 150) and Wisconsin Nurses Association, Inc., (herein Association) were permitted to intervene on the claim that Local 150 represented employees in all such departments and that the Association represented the Registered Nurses.

The Employer contends that Petitioner should provide a showing of interest to process its petitions, that an election should not be conducted where the Petitioner seeks to represent employees in separate departments and not all the employees, and in the alternative that a showing of interest is necessary for processing of departmental petitions.

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<sup>1/</sup> Unit desired on basis of "craft".

We have previously held, and continue to hold, that employees have the right to seek to create a separate bargaining unit consisting of departmental or craft employees.2/

We have consistently held, and continue to do so, that no showing of interest is required for initial election petitions.3/ We see no reason to require any such showing in cases involving a petition for only separate departments and/or a craft.4/

The parties stipulated that the following positions, in the listed departments, occupied by the individuals named, are supervisory:

<u>Department</u>	<u>Position</u>	<u>Employee</u>
Pharmacy	Chief Pharmacist	Roy Kampa
Dietary	Chief Dietitian	Kathleen Greenwald
"	Dietary Supervisor	Diane Grabowski
"	" "	Mary Dounar
"	" "	Esther Kremis
Respiratory	Chief Therapist	David Sazma
"	Respiratory Supervisor	Mark Ernster
"	" "	Herbert Laib
"	" "	Charles Lentscher
Nursing	Head Nurses	

A question arose as to the inclusion of the Nursing Anesthetists and the Employee Health Nurse in the voting group of professional Registered Nurses. The parties stipulated that the Employee Health Nurse position is required to a Registered Nurse and it is presently filled by one. Such Nurse is employed in the Employee Health Department in a physical separate location from the patient care facilities, where other nurses perform their duties. The Nursing Anesthetist position requires a Licensed Registered Nurse, with certain additional training of 18 months at an approved school or program for such training resulting in a certificate as a Nursing Anesthetist. Although it is the fact that the Employee Health Nurse and the Nursing Anesthetist work in separate departments or have additional nursing training, they still are engaged in the profession of nursing, and therefore are eligible to vote to determine whether nurses desire to constitute a separate unit.

During the course of the hearing, the Municipal Employer presented no list of the employees occupying the positions included in the various voting groups. Therefore, the Employer is directed to submit such lists, by department, to the Commission within ten days hereof, which list should include the names of the employees and the position occupied by each individual employee. Copies of said lists shall be sent by the Employer to the three labor organizations at the time they are submitted

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2/ St. Joseph's Hospital (9614) 4/70.

3/ Mercy Hospital (12627) 4/74; St. Mary's Hospital at Rhinelander (12520) 3/74.

4/ St. Joseph's Hospital, supra.

to the Commission. Each of the labor organizations shall, within ten days of the receipt of a copy of such list, advise the Commission in writing as to their respective challenges, if any. Upon receipt of such information from the labor organizations involved, the Commission will determine whether an additional hearing is necessary, prior to the elections, with respect to the determination as to eligibles.

We have directed unit determination elections as required by Sections 111.02(6) and 111.05(2) of the Wisconsin Employment Peace Act in the voting groups involved, as well as representation elections pursuant to Section 111.05(3) of the Act. The sequence of the balloting shall be as follows:

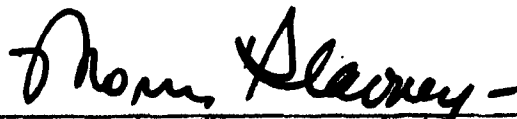
- (1) The initial election shall be conducted on a separate date among the otherwise eligible Registered Nurses to determine whether they desire to constitute a collective bargaining unit separate and apart from the remaining employees of the Employer.
- (2) The remaining elections will be conducted on a subsequent date as follows:
  - (a) Should the Registered Nurses previously have voted to establish a separate unit, then they shall cast ballots regarding their choice of bargaining representative. Should the Registered Nurses previously reject a separate unit, those Nurses employed in the Nursing Department will be eligible to cast ballots in the Nursing Department Voting Group.
  - (b) The eligible employees in the various departmental voting groups will separately cast ballots on unit determination and representation. The unit votes, as well as the representation votes, will be tallied separately, department by department, and there shall be no co-mingling of representation ballots cast by employees in one department with any representation ballots cast by employees in any other department or departments.

Proper Notices of Election will be prepared by the Commission for posting by the Employer for a sufficient period of time prior to the conduct of the elections in order to apprise the employees of the details of the various elections.

Dated at Madison, Wisconsin, this 7th day of June, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slavney, Chairman

  
Zel S. Rice II, Commissioner

  
Howard S. Bellman, Commissioner