

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WISCONSIN COUNCIL OF COUNTY AND  
MUNICIPAL EMPLOYEES, COUNCIL #40,  
AFSCME, AFL-CIO

and

EAGLE RIVER MEMORIAL HOSPITAL

Case I  
No. 18037  
E-2865 R-5660  
Decision No. 12888

Appearances:

Mr. James Miller, Staff Representative, appearing on behalf  
of the Petitioner.

Ms. Marcia Schmidt, representing the Wisconsin Nurses Association,  
appearing on behalf of the Intervenor.

Mr. Edward Mouw, Attorney at Law, appearing on behalf of the  
Employer.

DIRECTION OF ELECTION TO DETERMINE APPROPRIATE UNIT

Wisconsin Council of County and Municipal Employees, Council #40, AFSCME, AFL-CIO, having petitioned the Wisconsin Employment Relations Commission to conduct an election and referendum among certain employees of Eagle River Memorial Hospital, pursuant to Sections 111.05 and 111.06 of the Wisconsin Employment Peace Act; and hearing on such petition having been conducted at Eagle River, Wisconsin, on July 9, 1974, before Dennis P. McGilligan, Hearing Officer; and at the outset of the hearing the Wisconsin Nurses Association having been permitted to intervene in the matter; and the Commission having considered the evidence and arguments of the parties, and being satisfied that a question has arisen concerning the appropriate bargaining unit or units 1/ for certain employees of said Employer;

NOW, THEREFORE, it is

DIRECTED

That an election by secret ballot be conducted under the direction of the Wisconsin Employment Relations Commission within thirty (30) days from the date of this Directive among all registered nurses in the employ of Eagle River Memorial Hospital, excluding the Director of Nurses, who were employed on July 9, 1974, except such employees as may prior to the election quit their employment or be discharged for cause.

1/ Questions also arose concerning representation and authorization for an all-union agreement. However, the matter of the appropriate unit or units must initially be determined.

for the purpose of determining whether a majority of eligible registered nurses desired to constitute themselves a collective bargaining unit separate and apart from all other employees of the Employer.

Given under our hands and seal at the  
City of Madison, Wisconsin this 5th  
day of August, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney  
Morris Slavney, Chairman

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

Howard S. Bellman  
Howard S. Bellman, Commissioner

No. 12888

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

The instant proceeding was initiated by a petition filed by Wisconsin Council of County and Municipal Employees, Council #40, AFSCME, AFL-CIO, hereinafter referred to as AFSCME, wherein it requested the Commission to conduct an election and referendum among all regular full-time and regular part-time employees of Eagle River Memorial Hospital, excluding the Administrator, Assistant Administrator, registered staff nurses, and temporary (summer) employees. At the outset of the hearing AFSCME amended its petition to include the registered nurses in the unit. The Employer agreed to said amendment. The Wisconsin Nurses Association, hereinafter referred to as WNA, was permitted to intervene in the matter on its claim that it represented the registered nurses, and the Wisconsin Nurses Association desired a separate unit of such nurses.

Section 111.02(6) of the Wisconsin Employment Peace Act defines the term "collective bargaining unit" as:

" . . . all of the employees of one employer . . . except that where a 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 they shall be so considered . . . ."

Professional employees are deemed to be "craft" employees within the meaning of Section 111.02(6) of the Wisconsin Employment Peace Act.<sup>2/</sup> The registered nurses employed herein are professional employees, and, therefore, under the above noted provision of the Act, are entitled to determine for themselves whether they desire to constitute a separate collective bargaining unit.

We have therefore initially directed the conduct of a unit vote among the registered nurses. Should the required number of registered nurses vote in favor of establishing a separate unit, thereafter the Commission will issue a Direction of Election wherein the registered nurses will be given the opportunity to select their bargaining representative. Should a separate unit be established among the registered nurses, the Commission will also direct an election and referendum in a unit consisting of all the otherwise eligible employees except the registered nurses, to determine whether they desire to be represented for the purposes of collective bargaining by Wisconsin Council of County and Municipal Employees, Council #40, AFSCME, AFL-CIO, as well as determining whether said employees desire to authorize an "All-Union Agreement" between said Employer and Wisconsin Council of County and Municipal Employees, Council #40, AFSCME, AFL-CIO.

Should the required number of registered nurses fail to vote for a separate unit, they will be included in the overall unit, and the Commission will subsequently direct an election and referendum

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<sup>2/</sup> Mill-Way Nursing Home (6355-A) 11/63.

involving the employees in said unit to determine their desires as to representation and as to the authorization of an "All-Union Agreement" between the Employer and AFSCME. 3/

Dated at Madison, Wisconsin this 5th day of August, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slayney  
Morris Slayney, Chairman

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

Howard S. Bellman  
Howard S. Bellman, Commissioner

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3/ The Wisconsin Nurses Association indicated that it did not wish to be on the representation ballot should the registered nurses reject a separate unit.

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