

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

SUPERIOR DIVISION OF LICENSED
PRACTICAL NURSES' ASSOCIATION

Involving Certain Employes of

DOUGLAS COUNTY (MIDDLE RIVER HEALTH
FACILITY & DOUGLAS COUNTY HEALTH CARE
FACILITY)

Case XLIII
No. 18283 ME-1100
Decision No. 13389

Appearances:

Mrs. Carol A. Smith, Representative, appearing on behalf of the
Petitioner.

Mr. Orval F. Anderson, Vice President, appearing on behalf of
General Drivers Local No. 346, I.B. of T.C.W. & H. of A.

Mr. Richard Erickson, Representative, appearing on behalf of
Middle River Sanatorium and Douglas County General Hospital
Employees Local 1146, AFSCME, AFL-CIO.

Mr. Robert Klasnya, Representative, appearing on behalf of the
Municipal Employer.

ORDER DISMISSING PETITION

Superior Division of Licensed Practical Nurses' Association, herein-
after referred to as the Association, having petitioned the Wisconsin
Employment Relations Commission to conduct an election, pursuant to Sec-
tion 111.70 of the Wisconsin Statutes, among the Licensed Practical Nurses
employed at two of the Douglas County Institutions (i.e. the Middle River
Health Facility and the Douglas County Health Care Facility), to determine
whether said employes desire to be represented for the purposes of collec-
tive bargaining by the Petitioner; and hearing on said petition having
been conducted on December 10, 1974, at Superior, Wisconsin, by Douglas
V. Knudson, Hearing Officer, during which hearing Middle River Sanatorium
and Douglas County General Hospital Employees Local 1146, AFSCME, AFL-CIO,
hereinafter referred to as AFSCME, and General Drivers Local No. 346,
I.B. of T.C.W. & H. of A., hereinafter referred to as Teamsters, were per-
mitted to intervene on the basis of their status as the current bargaining
representatives of the non-professional employes at the two above-named
institutions; and the Commission, having considered the evidence and
arguments of the parties, being fully advised in the premises and being
satisfied that the Licensed Practical Nurses do not constitute an appro-
priate unit within the meaning of Section 111.70(4)(d) of the Municipal
Employment Relations Act;

NOW, THEREFORE, it is

ORDERED

That the petition filed in this matter be, and the same hereby
is, dismissed.

Given under our hands and seal at the
City of Madison, Wisconsin, this 27th
day of February, 1975.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
Morris Slavney, Chairman

Howard S. Bellman
Howard S. Bellman, Commissioner

Herman Torosian
Herman Torosian, Commissioner

MEMORANDUM ACCOMPANYING ORDER DISMISSING PETITION

The Commission previously certified AFSCME as the exclusive collective bargaining representative of all employes employed in the Douglas County Hospital and Sanatorium (said facility is now called the Douglas County Health Care Facility), excluding the superintendent, assistant to superintendent, supervisors, confidential employes and craft employes. 1/ The Direction of Election in said Decision excluded Licensed Practical Nurses from the bargaining unit on the basis said positions were deemed supervisors. In 1966, the Commission directed another election in the identical bargaining unit. 2/ Said election resulted in the certification of the Teamsters as the exclusive bargaining representative of the employes in the unit therein. The 1974 collective bargaining agreement between the Teamsters and the Douglas County Health Care Facility does not list Licensed Practical Nurses among the classifications shown in Exhibit A-1, attached thereto, covered by said agreement.

The Commission previously certified AFSCME as the exclusive collective bargaining representative of all employes employed in the Middle River Sanatorium and Douglas County General Hospital, excluding the administrator, resident doctor, supervisor of nursing, supervisors, confidential employes and craft employes. 3/ Said unit included Licensed Practical Nurses. Said facility is now known as the Middle River Health Facility. The recognition clause in the 1974 collective bargaining agreement between AFSCME and the Middle River Health Facility excluded Licensed Practical Nurses from the bargaining unit. However, both the Municipal Employer and AFSCME oppose a separate bargaining unit of Licensed Practical Nurses, because it would result in fragmentation. Said parties state that the Licensed Practical Nurses were excluded from the existing bargaining unit at their own request and contend that, if said employes now desire bargaining representation, they should be returned to the overall bargaining unit in which they were originally included.

The Teamsters also oppose a separate unit of Licensed Practical Nurses on the basis that such a unit would result in unnecessary fragmentation of the work force. The Association contends that the Licensed Practical Nurses are professional employes and, therefore, should have a bargaining unit separate from the non-professional employes. The Association argues that the bargaining representative for such a unit will be able to more adequately represent the specialized concerns, e.g., continuing education, licensing requirements, etc., of the Licensed Practical Nurses than could the representatives of the existing bargaining units.

All parties stipulated that the Licensed Practical Nurses are not supervisors within the meaning of Section 111.70(1)(o) of the Municipal Employment Relations Act.

The Commission has consistently held that Licensed Practical Nurses are not professional employes within the meaning of Section 111.70(1)(1)

1/ Douglas County (6331) 6/63.


2/ Douglas County (Hospital and Sanatorium) (7532) 3/66.


3/ Douglas County (6332) 6/63.

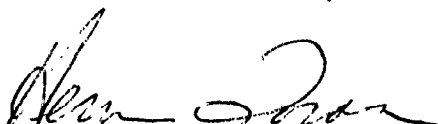
of WERA. 4/ The Commission therefore concludes that the Licensed Practical Nurses are hereby deemed included in the existing overall units.

Dated at Madison, Wisconsin, this 27th day of February, 1975.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 
Morris Slavney, Chairman


Howard S. Bellman, Commissioner


Herman Torosian, Commissioner

4/ Monroe County (8166-C, 11913) 6/73.