

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Case XL
No. 19401 ME-1221
Decision No. 14440

Mr. Timothy C. Jeffery, Director of Labor Relations, appearing on behalf of the Municipal Employer.

NOW, THEREFORE, it is

Given under our hands and seal at the
City of Madison, Wisconsin this 17th
day of March, 1976.

No. 14440

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

During the course of the hearing conducted in the instant proceeding, an issue arose with respect to the appropriateness of the collective bargaining unit petitioned for herein. The Petitioner requests the conduct of a representation election among "all regular full-time and regular part-time Registered Nurses in the employ of the City of Madison excluding supervisory, confidential, managerial and all other employees." The Municipal Employer, asserts that the unit petitioned for herein does not constitute an appropriate collective bargaining unit within the meaning of the Municipal Employment Relations Act. The Municipal Employer contends that a collective bargaining unit consisting solely of Registered Nurses would inappropriately fragmentize the Registered Nurses from the remaining professional employees in the Department of Public Health. The Municipal Employer asserts that Registered Nurses share a substantial community of interest in the terms and conditions of employment with professional employees in the department. Thereby, the Municipal Employer argues that the instant petition should be dismissed.

BACKGROUND:

There are four sections in the Department of Public Health in which the following numbers of employees are employed in the stated professional classifications at the following monthly salary ranges:

"Nursing -

25	Public Health Nurse	\$930-\$1073
1	Graduate Nurse	\$842-\$963
1	Communicable Disease Specialist	\$963-\$1116
1	Dental Hygienist	\$811-\$935

Administrative -

1	Health Educator	\$1027-\$1217
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Environmental and Consumer Protection -

7	Public Health Sanitarian II	\$1027-\$1217
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Laboratory -

1	Microbiologist III	\$1073-\$1273
1	Chemical Analyst III	\$1073-\$1273
3	Microbiologist II	\$989-\$1155
3	Chemical Analyst II	\$989-\$1155
1	Environmental Technologist	\$1027-\$1217"

Professional employes from the various sections work with one another on an informal, day to day basis on four integrated task forces. The task forces and their potential participants are as follows:

Communicable Disease Control -

Nurse
Communicable Disease Specialist
Public Health Sanitarian
Microbiologist

School Health Program -

Nurse
Public Health Sanitarian
Health Educator
Microbiologist
Chemical Analyst
Communicable Disease Specialist

Day Care

Nurse
Public Health Sanitarian
Microbiologist

Clinic Program -

Nurse
Microbiologist
Health Educator

POSITIONS OF THE PARTIES:

The Municipal Employer argues that the Registered Nurses share a community of interest with other professional employes in the Department. That community of interest, according to the Municipal Employer is evidenced by the facts that Registered Nurses work with the other professional classifications in the Department, receive the same general supervision and fringe benefits, and work the same hours as the other professional employes. The Municipal Employer argues that the interests of the Registered Nurses are not so unique from those of other professional employes in the Department to warrant their isolation in a separate, fragmented bargaining unit. Accordingly, the Municipal Employer concludes that the statutory mandate to avoid fragmentation and the common occupational grouping of the Registered Nurses and other department employes, supports the dismissal of the instant petition.

The Petitioner contends the collective bargaining unit consisting of Registered Nurses is appropriate within the meaning of the Municipal Employment Relations Act and consistent with previous Commission decisions and the bargaining tradition of Registered Nurses. The Petitioner argues that the Commission has held that professional collective bargaining units may consist of employes in a single profession. 1/ Furthermore, the Petitioner avers that the professional status of Registered Nurses has consistently been recognized by the Commission. 2/

1/ Milwaukee County (7463) 2/66, Winnebago County Hospital (6143) 7/67, City of Milwaukee (6252) 2/63.

2/ City of Milwaukee (6252) 4/64, Monroe County (8166) 9/67.

DISCUSSION:

Section 111.70(4)(a)2a of the Municipal Employment Relations Act provides in material part, as follows with respect to the establishment of appropriate units:

"The commission shall determine the appropriate bargaining unit for the purpose of collective bargaining and shall whenever possible avoid fragmentation by maintaining as few units as practicable in keeping with the size of the total municipal work force. In making such a determination, the commission may decide whether, in a particular case, the employees in the same or several departments, divisions, institutions, crafts, professions or other occupational groupings constitute a unit."

In Dane County, (10492-A) 3/72, the Commission stated that:

"MERA recognizes that there is a need for a pattern of bargaining units which permits employees the right to be represented in workable units by organizations of their own choosing, which may be reasonably expected to be concerned with the unique interests and aspirations of the employees in said units. To establish a unit wherein the interests of a large group of employees are likely to be submerged would not, in our opinion, give adequate protection to the rights guaranteed to employees in the Act. However, units cannot be so fragmented so as to be inadequate for viable collective bargaining."

The Commission determines the appropriateness of collective bargaining units on a case by case basis. In the instant proceeding, the Commission is satisfied that considerations for the interrelatedness of tasks performed and the community of interest between all professional employees in the Department of Public Health override those occupational interests traditionally associated with Registered Nurses. We conclude that, herein, it is consistent with the statutory directive to avoid fragmentation to direct the conduct of an election among all professional employees in the Department of Public Health.

The Municipal Employer is hereby directed to submit to the Commission and to the Petitioner within five days from receipt of this Directive a list of the names of all professional employees in the Department of Public Health. In the event that the Petitioner does not wish to participate in the election directed herein among all professional employees in the Department of Public Health, the Commission will accept a request to withdraw the instant petition within the aforementioned five day period.

Dated at Madison, Wisconsin this 17th day of March, 1976.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
Morris Slavney, Chairman

Howard S. Bellman
Howard S. Bellman, Commissioner

Herman Torosian
Herman Torosian, Commissioner