

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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In the Matter of the Petitions of :

WISCONSIN COUNCIL 40, AFSCME, :  
AFL-CIO AND RUSK COUNTY :

Involving Certain Employees of :

RUSK COUNTY (MEMORIAL HOSPITAL :  
AND NURSING HOME) :

Case 15  
No. 34869 ME-16  
Decision No. 14713-D

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Appearances:

Mr. Richard Rettke, Staff Representative, Wisconsin Council 40, AFSCME, AFL-CIO, P.O. Box 68, Rice Lake, Wisconsin 54868, appearing on behalf of the Union.

Ms. Rita Telitz, Personnel Director, Rusk County Memorial Hospital and Nursing Home, 900 College Avenue West, Ladysmith, Wisconsin 54848, appearing on behalf of Rusk County.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND  
ORDER CLARIFYING BARGAINING UNIT

Wisconsin Council 40, AFSCME, AFL-CIO having, on April 16, 1985, filed a petition with the Wisconsin Employment Relations Commission requesting that the Commission clarify an existing bargaining unit of all regular full-time and regular part-time employees by including in said unit the positions of Credit Manager, Data Processing Coordinator, Activity Supervisor, Materials Manager, Maintenance Supervisor, Housekeeping Supervisor, Admitting Supervisor, Quality Assurance Coordinator, DRG Coordinator, and Dietary Supervisor; and the parties having thereafter engaged in protracted settlement discussions; and Rusk County having, on November 25, 1985, filed a petition with the Commission requesting that the same bargaining unit be clarified by excluding from it the position of Nursing Secretary; and hearing on both petitions having been held on January 29, 1986, in Ladysmith, Wisconsin before Examiner Christopher Honeyman; and at hearing, the parties having agreed to withdraw the petition insofar as it related to the Activity Supervisor, Materials Manager, Maintenance Supervisor and Housekeeping Supervisor; and both parties having filed briefs, the last of which was received on April 3, 1986; and the Commission, having considered the evidence and arguments of the parties, and being fully advised in the premises, makes and issues the following Findings of Fact, Conclusions of Law and Order Clarifying Bargaining Unit.

FINDINGS OF FACT

1. That Rusk County, hereinafter referred to as the County, is a municipal employer having its offices at Rusk County Courthouse, Ladysmith, Wisconsin; and that among its principal governmental functions is the operation of the Memorial Hospital and Nursing Home located at 900 College Avenue West, Ladysmith.

2. That Wisconsin Council 40, AFSCME, AFL-CIO is a labor organization within the meaning of Sec. 111.70(1)(h), Stats., and has its offices c/o Richard Rettke, Box 68, Rice Lake, Wisconsin 54868.

3. That the Union is the certified collective bargaining representative of all regular full-time and regular part-time employees of Rusk County Memorial Hospital and Nursing Home, excluding Registered Nurses, professional employees, supervisory and confidential employees.

4. That the Employer, contrary to the Union, contends that the Credit Manager, Data Processing Coordinator, Quality Assurance Coordinator, DRG Coordinator, and Nursing Secretary are managerial employees, that the Dietary Supervisor, Admissions Supervisor, Data Processing Coordinator and Nursing Secretary are supervisory employees and that the Nursing Secretary is a confidential employee.

5. That the Quality Assurance Coordinator is Cindy Goerner; that Goerner's duties include organizing and maintaining a quality assurance program within the hospital, and utilization review; that Goerner's position was created as a result of legal changes requiring quality assurance and utilization review programs; that Goerner works 24 hours per week, reports directly to the administrator, but has no role in setting charges or making purchases for the hospital; that Goerner has authority to make recommendations concerning quality of hospital services, but the hospital's board is not obligated to follow them; that Goerner works in the Medical Records area and does not have an office; that her previous experience was as a Medical Records Secretary, and she has a two-year degree and is accredited by the American Medical Record Association; that among the requirements for the job are typing skills of 60 wpm, filing skills, and ability to deal affectively with physicians, department heads, and other personnel; that Goerner prepares the Quality Assurance budget, together with the DRG Coordinator, but the record does not demonstrate that this is a time-consuming activity or one involving substantial discretion; and that the record fails to demonstrate that Goerner participates in the formulation, determination and implementation of management policy or possesses effective authority to commit the Employer's resources.

6. That Kim Trawicki is the DRG Coordinator; that the DRG Coordinator tracks the diagnoses of patients and attempts to fit such diagnoses within the "diagnosis related groups" established by federal program requirements; that Trawicki's work involves discussing diagnoses with physicians and at times urging emphasis on one diagnosis rather than an alternative possible primary diagnosis because DRG placement determines the level of reimbursement; that Trawicki does not, however, have authority to change a diagnosis for this or any other purpose, such authority remaining with the physician; that Trawicki, like Goerner, does not have an office and works in the Medical Records Area; that she shares a part-time clerical helper with Goerner, and Goerner sometimes substitutes for Trawicki; that Trawicki has a two-year degree and is an accredited technician; and that the record fails to establish that Trawicki participates in the formulation, determination and implementation of management policy or possesses effective authority to commit the Employer's resources.

7. That Clorus Valentine is the Dietary Supervisor; that for a number of years Valentine was the sole person in charge of 20 food service employees, and the record shows that she has been responsible for discharging one employee, giving oral reprimands that were recorded in personnel files of other employees, and has had general authority to make work assignments, determine work schedules and days off, and to determine whether employees can leave early; that since approximately one year prior to the hearing Eric Douglas has been employed as Food Service Manager, but there is no evidence in the record that Douglas has taken over the job assignment, scheduling, discipline and leave determinations performed by Valentine; that Valentine continues to do most of the performance evaluations in her department and decides disputed vacation requests; that the Food Service Manager, however, checks time cards; that the hospital does not have a full-time dietician, and Valentine spends approximately 22 hours of her 40 per week visiting patients; that Valentine works on the food line for about eight hours a week; that the Food Service Manager also works on the food line during meal service hours; that Valentine designates the "charge" employees who are given lead responsibility over various functions in the food service department; and that the record demonstrates that Valentine exercises substantial independent judgment in supervising employees, particularly in her work assignments, discipline and scheduling functions.

8. That Sherrill Canfield is the Admissions Supervisor; that Canfield is in charge of four employees in admissions, but only one works with her because of shift scheduling; that Canfield herself operates the hospital switchboard; that Canfield oversees that admissions work gets done, that patients are registered and that the registrations contain correct information; that Canfield does some of the admissions work herself when there is an overload, but spends most of her time at the switchboard; that Canfield has been Admissions Supervisor for five years, and has been involved in one discharge of an employee, but did not make the decision; that she has authority to approve overtime and can allow employees to trade shifts, as well as leave early; that she also spot checks work done by admissions clerks; that she reports to the Finance Director, and is responsible for training admissions employees; and that the record demonstrates that Canfield primarily supervises an activity rather than supervising employees in a labor relations sense.

9. That Irene Carlson is the Credit Manager; that she reports to the Finance Director and the Administrator for some other purposes, but has substantial discretion as to terms of payment or repayment by patients; that Carlson solely decides which delinquent accounts to refer to collection agencies, which to refer to attorneys, and which to write off as unpayable; that Carlson meets with former patients and determines, based on her interviews, what repayment terms to offer to the patient, within a broad range; that Carlson does not prepare a budget and does not sign checks, but that her work involves her in significant management policy-making because her judgments and policy decisions determine how much and from whom repayment will be secured; and that Carlson's policy-making role in that regard renders her position managerial.

10. That Judy Strop is the Data Processing Coordinator; that she works in the business office, and reports to the Finance Director; that for a four-month period when there was no Finance Director she assumed some of that position's duties including checking time cards; that she has assisted in hiring employees, but has not made the effective decision or recommendation on hiring; that one clerk works under her in the Data Processing area, and she approves the clerk's hours and overtime; that Strop produces information used by other hospital personnel for budgeting and setting of charges, but does not have authority to perform these functions herself; that she has authority to set priorities among competing demands for data processing; that Strop can determine what account an expense is to be charged to, when that is ambiguous, but cannot establish the budgets themselves; that Strop has had no exposure to collective bargaining or grievance-related material through her data processing work; that Strop was initially employed by the hospital as a general account clerk, and has a high school education plus training on the particular computer system when it was installed in the hospital; that the record demonstrates that Strop supervises an activity rather than employees in a labor relations sense when substituting for the Finance Director; and that she does not significantly participate in the formulation, determination and implementation of management policy or possess effective authority to commit the Employer's resources.

11. That Nancy Wiles has been the Nursing Secretary since 1983, and was previously a Licensed Practical Nurse; that the Nursing Secretary reports to the two Directors of Nursing (Hospital and Nursing Home) and has an office adjacent to the Hospital Director of Nursing; that Wiles is responsible for scheduling of all nursing service personnel, including registered nurses and aides, and has discretion to determine which employee works in what part of the facilities; that Wiles exercises independent judgment in placing employees in compatible work locations and in determining whether to grant requests for days off; that Wiles attends management meetings and has access to job evaluations in the course of her work, but has not been involved in collective bargaining or in grievance processing except with respect to grievances filed against her scheduling decisions; that Wiles maintains the medical library and determines which journals to renew based on an annual survey, but does not formulate the library budget; that the record demonstrates that Wiles exercises independent judgment in scheduling and assigning employees; that Wiles is paid less than a number of the employees she allegedly supervises; and that Wiles has no authority to hire, promote, discharge, discipline or lay off employees.

Upon the basis of the above Findings of Fact, the Commission makes and issues the following

#### CONCLUSIONS OF LAW

1. That the Quality Assurance Coordinator, DRG Coordinator, Admissions Supervisor, Data Processing Coordinator and Nursing Secretary are neither managerial, supervisory nor confidential employees and are therefore municipal employees within the meaning of Sec. 111.70(1)(i), Stats.

2. That the Dietary Supervisor is a supervisory employee within the meaning of Sec. 111.70(1)(o), Stats., and therefore is not a municipal employee within the meaning of Sec. 111.70(1)(i), Stats.

3. That the Credit Manager is a managerial employee within the meaning of Sec. 111.70(1)(i), Stats., and therefore is not a municipal employee within the meaning of Sec. 111.70(1)(i), Stats.

ORDER CLARIFYING BARGAINING UNIT 1/

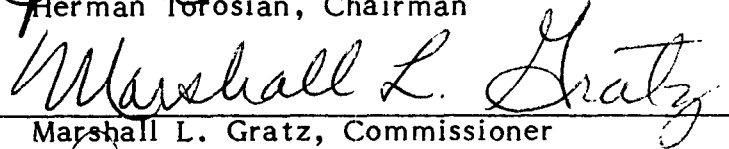
1. That the positions of Quality Assurance Coordinator, DRG Coordinator, Admissions Supervisor, Data Processing Coordinator and Nursing Secretary are hereby included in the collective bargaining unit set forth in Finding of Fact 3 above.

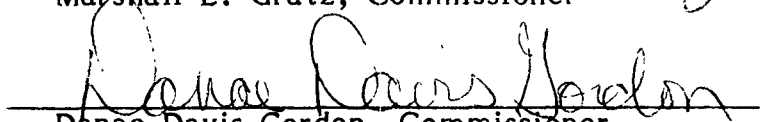
2. That the positions of Dietary Supervisor and Credit Manager are hereby excluded from said bargaining unit.

Given under our hands and seal at the City of  
Madison, Wisconsin this 29th day of September, 1986.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By   
Herman Torosian, Chairman

  
Marshall L. Gratz, Commissioner

  
Danae Davis Gordon, Commissioner

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1/ Pursuant to Sec. 227.11(2), Stats., the Commission hereby notifies the parties that a petition for rehearing may be filed with the Commission by following the procedures set forth in Sec. 227.12(1) and that a petition for judicial review naming the Commission as Respondent, may be filed by following the procedures set forth in Sec. 227.16(1)(a), Stats.

227.12 Petitions for rehearing in contested cases. (1) A petition for rehearing shall not be prerequisite for appeal or review. Any person aggrieved by a final order may, within 20 days after service of the order, file a written petition for rehearing which shall specify in detail the grounds for the relief sought and supporting authorities. An agency may order a rehearing on its own motion within 20 days after service of a final order. This subsection does not apply to s. 17.025 (3)(e). No agency is required to conduct more than one rehearing based on a petition for rehearing filed under this subsection in any contested case.

227.16 Parties and proceedings for review. (1) Except as otherwise specifically provided by law, any person aggrieved by a decision specified in s. 227.15 shall be entitled to judicial review thereof as provided in this chapter.

(a) Proceedings for review shall be instituted by serving a petition therefor personally or by certified mail upon the agency or one of its officials, and filing the petition in the office of the clerk of the circuit court for the county where the judicial review proceedings are to be held. Unless a rehearing is requested under s. 227.12, petitions for review under this paragraph shall be served and filed within 30 days after the service of the decision of the agency upon all parties under s. 227.11. If a rehearing is requested under s. 227.12, any party desiring judicial review shall serve and file a petition for review within 30 days after service of the order finally disposing of the application for rehearing, or within 30 days after the final disposition by operation of law of any such application for rehearing. The 30-day period for serving and filing a petition under this paragraph commences on the day after personal service or mailing of the decision by the agency. If the petitioner is a resident, the proceedings shall be held in the circuit court for the county where the petitioner resides, except that if the petitioner is an agency, the proceedings shall be in the circuit court for the county where the respondent resides and except as provided in ss. 182.70(6) and 182.71(5)(g). The proceedings shall be in the circuit court for Dane county if the petitioner is a nonresident. If all parties stipulate and the court to which the parties desire to transfer the

proceedings agrees, the proceedings may be held in the county designated by the parties. If 2 or more petitions for review of the same decision are filed in different counties, the circuit judge for the county in which a petition for review of the decision was first filed shall determine the venue for judicial review of the decision, and shall order transfer or consolidation where appropriate.

(b) The petition shall state the nature of the petitioner's interest, the facts showing that petitioner is a person aggrieved by the decision, and the grounds specified in s. 227.20 upon which petitioner contends that the decision should be reversed or modified.

. . .

(c) Copies of the petition shall be served, personally or by certified mail, or, when service is timely admitted in writing, by first class mail, not later than 30 days after the institution of the proceeding, upon all parties who appeared before the agency in the proceeding in which the order sought to be reviewed was made.

Note: For purposes of the above-noted statutory time-limits, the date of Commission service of this decision is the date it is placed in the mail (in this case the date appearing immediately above the signatures); the date of filing of a rehearing petition is the date of actual receipt by the Commission; and the service date of a judicial review petition is the date of actual receipt by the Court and placement in the mail to the Commission.

RUSK COUNTY (MEMORIAL HOSPITAL AND NURSING HOME)

MEMORANDUM ACCOMPANYING FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND  
ORDER CLARIFYING BARGAINING UNIT

The questions before the Commission are whether the Quality Assurance Coordinator, DRG Coordinator, Credit Manager and Data Processing Coordinator are managerial employees; whether the Data Processing Coordinator, Dietary Supervisor and Admissions Supervisor are supervisory employees; and whether the Nursing Secretary is a confidential or supervisory employee or neither. The central facts with respect to each position are set forth in the Findings of Fact and need not be repeated here.

Quality Assurance Coordinator

The Employer contends that the Quality Assurance Coordinator serves as the link between federal, state and accrediting agencies and the hospital, and acts as the facility's agent in agency surveying processes, including those governing licensing. The Employer contends that the Quality Assurance Coordinator makes independent decisions in the hospital's name which could either lead the facility to comply with licensing and accreditation requirements or commit it to financial obligations. The Employer also contends that the development of the Quality Assurance plan committed the hospital to expenses in staff time and potential equipment purchases.

The Union argues that the Quality Assurance Coordinator has no effective authority to commit the Employer's resources and neither formulates, determines nor implements policy.

In determining whether a position is managerial in nature, the Commission considers whether the employee participates in the formulation, determination and implementation of management policy, and also whether the employee possesses effective authority to commit the employer's resources. 2/

In its essentials, the Quality Assurance Coordinator's position involves finding quality problems or possible improvements, and recommending changes to the hospital's board and to other hospital personnel. The testimony of the incumbent is large in its claims of authority, but these are conclusionary allegations, and the record demonstrates that the Quality Assurance Coordinator serves as a conduit and a recommender of actions to policy makers rather than as a policy maker herself. While she appears to have drafted the Quality Assurance program, the determination of what constitutes quality is made by others, and she has no authority to implement changes. While the Employer's resources may be committed to quality expenses as an indirect result of the Quality Assurance Coordinator's work, there is again no evidence that the Quality Assurance Coordinator personally makes that determination; instead, a recommendation is made to the board or a department head, who has authority to act. Her role in development of a budget is limited to the three person quality assurance department, is shared equally with the DRG Coordinator, is not time-consuming, and does not involve significant discretion or policy impact. We therefore conclude that the Quality Assurance Coordinator is a specialist providing services to managers, rather than a manager herself.

DRG Coordinator

The parties' arguments concerning the DRG Coordinator are similar to those cited above. The DRG work, in fact, was previously part of the same position as the Quality Assurance Coordinator, and the two employees continue to work closely.

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2/ Juneau County, Dec. No. 18728-A, (1/86); Manitowoc County (Highway Department), Dec. No. 21886 (8/84).

The DRG Coordinator, like the Quality Assurance Coordinator, provides a service to Hospital management in the sense that she tracks the diagnoses made by physicians and attempts to fit them into the diagnostic related groups system, and occasionally tries to "upgrade" a diagnosis in order to qualify for higher reimbursement pursuant to federal formulas. But the position carries no authority to establish DRG groups, which are federally mandated; nor does it, of course involve authority to change a diagnosis, which is a physician's preserve. We conclude that while this position involves the implementation of management policy, it neither formulates nor determines policy, nor does it effectively commit the Employer's resources, and that its policy dimension is insufficient to warrant managerial status under MERA.

### Dietary Supervisor

The Employer argues that the Dietary Supervisor has carried out virtually every one of the usual indicia of supervisory authority, and has supervised a large group of employees over a significant period of time. The Employer contends that the employment of the Food Service Manager has not altered the authority of the Dietary Supervisor.

The Union contends that since the employment of the Food Service Manager, the Dietary Supervisor has been reduced to a lead person, in effect, and that the vast majority of her time is spent doing food service work or interviewing patients.

The Commission considers the following factors in determining if a position is supervisory in nature:

1. The authority to effectively recommend the hiring, promotion, transfer, discipline or discharge of employees;
2. The authority to direct and assign the work force;
3. The number of employees supervised, and the number of other persons exercising greater, similar or lesser authority over the same employees;
4. The level of pay, including an evaluation of whether the supervisor is paid for his skills or for his supervision of employees.
5. Whether the supervisor is primarily supervising an activity or is primarily supervising employees;
6. Whether the supervisor is a working supervisor or whether he spends a substantial majority of his time supervising employees; and
7. The amount of independent judgment exercised in the supervision of employees. 3/

Not all of these factors need to be present in any given case, but a sufficient combination of said factors must be present for the Commission to find an employee to be a supervisor. 4/

The quantity of time Valentine spends working with patients in their rooms or working on the food service line is a factor tending to diminish her supervisory standing; but other factors, we conclude, outweigh this. The record testimony is undisputed that Valentine has maintained at least broad authority in work assignment and work scheduling, as well as evaluations. There is no dispute that

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3/ City of Kiel (Police Department), Dec. No. 11370-A (WERC, 3/83); Milwaukee County (Sheriff's Department), Dec. No. 22519 (WERC, 4/85).

4/ School District of Tomahawk, Dec. No. 22495 (WERC, 3/85); Dodge County, Dec. No. 17558-C (WERC, 2/81).

Valentine previously exercised authority to hire employees and was the effective force in one discharge and a number of lesser disciplinary incidents. There is no evidence that any formal action was taken by the Hospital management to reduce Valentine's authority, nor any evidence that the Food Service Manager has asserted authority in these areas in Valentine's stead. It appears that Valentine has maintained the authority to exercise independent judgment in scheduling and assigning a substantial number of employees, and we therefore find her to be, on balance, a supervisor.

#### Admissions Supervisor

The Employer contends that the Admissions Supervisor, Sherrill Canfield, effected the discharge of one employee for inadequate work performance, and supervises four employees in terms of work assignment and training. The Employer also alleges that because Canfield is responsible for processing worker's compensation claims, she has a supervisory or managerial role over all employees in the Hospital.

The Union contends that the primary function of the position is to work the switchboard, and that the record is devoid of evidence of any supervisory authority.

While Canfield testified that she is involved in investigating worker's compensation claims, and processes the forms, the record does not demonstrate that she makes the final decision as to whether such claims will be supported by the Employer. With respect to work assignment, we note that Canfield works with only one employee at a time, because of rotating shifts, and that she is responsible for the switchboard for her entire duty hours.

The record fails to show any notable labor relations action taken by Canfield; Canfield testified that she was responsible for hiring one employee, but the employee, in testimony, denied having been interviewed by Canfield. That employee also appears to have acquired her job as an internal transfer, and not as a new hire. Canfield's claim to have effectively discharged one employee did not sustain close examination, as she also testified that the department head himself investigated the facts behind Canfield's complaint prior to deciding to discharge the employee.

We conclude that Canfield is supervising an activity rather than supervising employees in a labor relations sense, and that little independent supervisory judgment is required by her lead-person function.

#### Credit Manager

The Employer contends that the Credit Manager has authority to exercise independent judgment in determining payment methods and the degree of forgiveness of monies owed.

The Union contends that the Credit Manager cannot expend the funds of the Employer, has nothing to do with any budget process, and exercises only ministerial functions.

We agree with the Union that Carlson does not control a budget, per se. But the record establishes that Carlson's decisions have significant management policy impact in the area of collections and forgiveness of debt, and that she thereby effectively formulates, determines and implements policy governing a large part of the Employer's income.

The record leaves no doubt that Carlson exercises substantial discretion in determining what payments to forgive, what payments to enforce, how to enforce them and to what degree to allow delays in payment by patients. Hers is not a rote implementation of policies determined by others. Her function clearly controls a large part of the Hospital's income, and because of the independent judgment exercised, we cannot fairly describe such authority as ministerial. We therefore conclude that the Credit Manager has a role in management policy formulation, determination, and implementation that is of sufficient significance to render her position managerial.



### Data Processing Coordinator

The Employer contends that the Data Processing Coordinator is both managerial and supervisory, because she supervises one clerk permanently and the whole business office when the Finance Director is absent. With respect to managerial authority the Employer argues that the Data Processing Coordinator has authority to allocate expenses as she deems appropriate and is involved with the Director of Finance in analysis and other managerial functions.

The Union contends briefly that this position is that of a bookkeeper, and is traditionally included in the bargaining unit.

Strop's authority over her one clerk appears to be routine and to involve little independent judgment. In replacing the absent Director of Finance, however, Strop has authorized timecards, made work assignments and generally supervised employees in the business office, as well as the admitting supervisor and other admissions employees, on a number of occasions, once for four months. But Strop did not testify as to having made any notable labor relations' decisions during these assignments, and the principal instance of substituting for the Finance Director appears to be an unusual circumstance created by the departure of one Finance Director and lasting only until a qualified replacement could be hired.

Such replacement of a supervisor is not by itself sufficient to establish supervisory status. At the same time, the discretion exercised by Strop in determining what accounts to pay and which to leave unpaid would not be sufficient to establish managerial status, because the primary application of this discretion was during a single exceptional period in the hospital's financial history. Strop appears to be given some managerial authority in the sense of determining what account to charge an expense against; this could have the effect of altering the size of budgets within the hospital, and cannot be ignored as an indicator of management authority. 5/ But the record does not show that Strop's data-processing allocation of charges to accounts is, in fact, given this effect or allowed to supercede managers' budget allocations. Strop's authority to set priorities among competing demands for data processing does not amount to the determination or formulation of management policy; and her occasional substitution for the Finance Director does not, on this record, indicate that substantial labor relations-related decisions have been made in that capacity. We conclude that, on balance, the Data Processing Coordinator's functions do not demonstrate a high proportion of either managerial or supervisory elements.

### Nursing Secretary

The Employer originally argued that this position was confidential. In its brief it contends that this is a managerial or supervisory position, based on the incumbent's responsibilities in scheduling Hospital and Home employees and her control over expenditures for the library.

The Union contends that the Nursing Secretary is not involved in confidential matters relating to labor relations, and that she has no role in budget setting and only ministerial duties with respect to establishment of management policy.

The record establishes that the only grievances with which the Nursing Secretary has been involved are grievances filed against scheduling actions she has taken. There is no other indication of knowledge of confidential matters relating to labor relations in the record. 6/

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5/ Allocation of funds for differing program purposes from the original budget is a factor tending to indicate managerial authority. See, Kewaunee County, Dec. No. 13185-D (WERC, 1/86), appeal pending.

6/ See, Crivitz School District, Dec. No. 22208-A (WERC, 2/86).

Similarly, the Employer's claim of managerial status on the grounds of library subscription renewals is insufficient to confer managerial status of her position. 7/

The Nursing Secretary's testimony does clearly establish that her position controls the scheduling of approximately 120 employees in two facilities and that she chooses which employee will work where based in part on her own assessments of the employee's work performance and personality. She also testified that she has discretion to choose between conflicting requests for days off, based on employees' reasons for the requests. The foregoing is clearly an indication of supervisory authority, but it must be weighed with other factors.

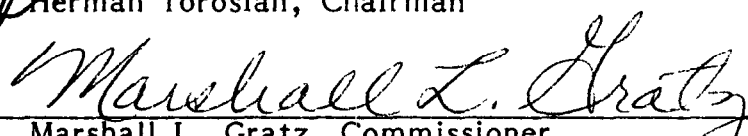
The Nursing Secretary has no authority over any employees except for her scheduling function. She cannot effectively recommend hire, discharge, promotion or layoff, and discipline is not within her powers even if the discipline is necessitated by an employee's failure to follow the schedule she prepared.

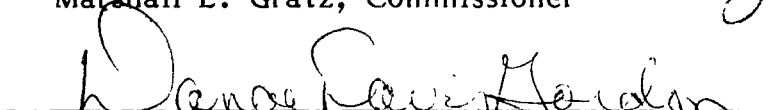
We therefore conclude that the judgment Wiles exercises in scheduling is outweighed by lack of authority in other related indicia of supervisory status, and that on balance the record does not establish that the Nursing Secretary is supervisory either.

Dated at Madison, Wisconsin this 29th day of September, 1986.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By  Herman Torosian, Chairman

  
Marshall L. Gratz, Commissioner

  
Danae Davis Gordon, Commissioner

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7/ In its brief the Employer alleges that the Nursing Secretary also exercises management functions with respect to an outpatient clinic. The testimony, however, contained no reference to such a function and the factual claims with respect to this function in the Employer's brief are therefore not entitled to weight.