

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of	:	
	:	
COMMUNICATIONS WORKERS OF AMERICA,	:	Case XXIV
AFL-CIO	:	No. 21041 ME-1386
	:	Decision No. 15212
Involving Certain Employees of	:	
	:	
PORTAGE COUNTY	:	
	:	

DIRECTION OF ELECTION

The Petitioner and Municipal Employer named above having filed a stipulation with the Wisconsin Employment Relations Commission, requesting the Commission to conduct an election among certain employes of the above named Municipal Employer, pursuant to Sec. 111.70(4)(d) of the Municipal Employment Relations Act;

NOW, THEREFORE, it is

DIRECTED

That an election by secret ballot shall be conducted under the direction of the Wisconsin Employment Relations Commission within thirty (30) days from the date of this Directive in the following voting groups for the following stated purposes:

Voting Group No. 1

All regular full-time and regular part-time Licensed Practical Nurses employed by Portage County, excluding managerial, supervisory, confidential and professional employes and all other employes of Portage County who were employed on January 27, 1977, except such employes as may prior to the election quit their employment or be discharged for cause, for the purpose of determining whether a majority of such employes voting desire to be represented by Communications Workers of America, AFL-CIO, for the purposes of collective bargaining with Portage County on wages, hours and conditions of employment.

Voting Group No. 2

All regular full-time and regular part-time Registered Nurses employed by Portage County, excluding managerial, supervisory and confidential employes and all other employes of Portage County who were employed on January 27, 1977, except such employes as may prior to the election quit their employment or be discharged for cause, for the purpose of determining (1) whether a majority of the employes in said voting group desire to be included in the bargaining unit described in

Voting Group No. 1; and (2) whether a majority of such employes voting desire to be represented by Communications Workers of America, AFL-CIO, for the purposes of collective bargaining with Portage County on wages, hours and conditions of employment.

Given under our hands and seal at the City of Madison, Wisconsin this 27th day of January, 1977.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By *Morris Slavney*
Morris Slavney, Chairman

Charles D. Hoornstra
Charles D. Hoornstra, Commissioner

MEMORANDUM ACCOMPANYING
DIRECTION OF ELECTION

The Petitioner filed a petition on November 26, 1976, requesting that the Commission conduct an election among "all Registered Nurses and Licensed Practical Nurses at Portage County Home, excluding all others including supervisors and guards." Subsequent to the filing of the petition and prior to the holding of a hearing, the Petitioner and Municipal Employer agreed by stipulation and supplemental letter that the appropriate unit would consist of all regular full-time and regular part-time Registered Nurses and Licensed Practical Nurses employed by Portage County, excluding managerial, supervisory and confidential employes, provided that the Registered Nurses voted in favor of inclusion in a unit consisting of Licensed Practical Nurses. The Registered Nurses employed by the Municipal Employer work at the County Home and in the Public Health Department while the Licensed Practical Nurses work in the County Home. The Licensed Practical Nurses appear to be a residual unit of non-professionals as they are not included in the overall, non-professional County Home unit represented by another union 1/ and, therefore, would be an appropriate unit in the event that the Registered Nurses do not vote in favor of inclusion in a unit consisting of Licensed Practical Nurses.

The Commission has previously determined that Registered Nurses are professional employes within the meaning of Section 111.70(1)(1) of the Municipal Employment Relations Act 2/ while Licensed Practical Nurses are not considered professional employes. 3/ Thus, Registered Nurses are entitled, pursuant to Section 111.70(4)(d)2.a. of MERA, to determine whether they wish to be included in the non-professional unit. 4/ The stipulation filed by the parties herein acknowledges that requirement.

The sequence of counting the ballots will be as follows:

- 1) The ballots cast by the Registered Nurses as to their desire to be included in the unit of Licensed Practical Nurses shall be tallied first.
- 2) If a majority of the eligible Registered Nurses vote in favor of being included in the unit of Licensed Practical Nurses, the representation ballots cast by both groups shall be co-mingled.
- 3) If a majority of the eligible Registered Nurses do not vote in favor of being included in the unit of Licensed Practical Nurses, the representation ballots cast by both groups shall be counted separately.

1/ That union was notified of this proceeding and expressed no interest in representing the Licensed Practical Nurses.

2/ Milwaukee County (7135) 5/65.

3/ Monroe County (11913) 6/73.

4/ Section 111.70(4)(d)2.a. states, in relevant part, that "[t]he commission shall not decide, however, that any unit is appropriate if the unit includes both professional employes and nonprofessional employes, unless a majority of the professional employes vote for inclusion in the unit."

In the event that the Registered Nurses vote for inclusion in the unit of Licensed Practical Nurses, the appropriate bargaining unit shall consist of all regular full-time and regular part-time Registered Nurses and Licensed Practical Nurses employed by Portage County, excluding managerial, supervisory and confidential employes and all other employes. Should the Registered Nurses reject inclusion in the unit of Licensed Practical Nurses, the appropriate units shall consist of 1) all regular full-time and regular part-time Registered Nurses employed by Portage County, excluding managerial, supervisory and confidential employes and all other employes and 2) all regular full-time and regular part-time Licensed Practical Nurses employed by Portage County, excluding managerial, supervisory and confidential employes and all other employes.

Dated at Madison, Wisconsin this 27th day of January, 1977.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By *Morris Slavney*
Morris Slavney, Chairman

Charles D. Hoornstra
Charles D. Hoornstra, Commissioner