



be represented by Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, for the purpose of collective bargaining with Manitowoc County.

Given under our hands and seal at the City of Madison, Wisconsin this 8th day of February, 1977.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney /s/  
Morris Slavney, Chairman

Charles D. Hoornstra /s/  
Charles D. Hoornstra, Commissioner

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

But for two exceptions, the parties herein agree to the appropriateness of the petitioned-for unit. They disagree, however, as to the inclusion of the medical director and the chief clinical psychologist, with the Union claiming, contrary to the Employer, that both positions should be included in the unit. The Employer argues for the exclusion of the medical director, contesting that that position is managerial and/or confidential. The Employer asserts that the chief clinical psychologist should be included in the unit as a clinical psychologist.

The petitioned-for employees are employed in the Employer's Mental Health Board, which generally provides comprehensive programs and services for the mentally ill, developmental disabled, alcoholics, and drug abusers in the Manitowoc area.

The medical director at the Employer's counseling center, Charles Kahill, M.D, is employed on a part time basis for approximately 18 hours a week. He is paid a flat hourly rate of \$30 per hour, resulting in earnings of approximately \$28,080 per year. Kahill, a licensed psychiatrist, spends about twelve hours a week in direct contact with patients. He spends the remaining six hours on a number of administrative-type duties including the supervision of the staff at the counseling center, and directing their clinical program. He prescribes medicine for staff patients, orders the appropriate treatment for patients, interviews job applicants, makes recommendations regarding the hiring and firing of employees, recommends promotions, and trains new employees. Furthermore, the record establishes that Kahill has effectively recommended the dismissal of employees on at least two occasions. In addition, Kahill attends supervisory meetings, determines the content of the medical program and he has the effective power to purchase materials within proscribed budgetary guidelines.

Based upon the totality of these factors, 2/ we find, in agreement with the Employer, that Kahill is a managerial and supervisory employe and accordingly, he is excluded from the bargaining unit.

Turning to the position of chief clinical psychologist, the Employer agrees that the occupant of that position should be in the bargaining unit. However, the Employer claims that that position should be in effect reclassified as a clinical psychologist, and that it is only the latter position which should be included in the unit. In this connection, the chief clinical psychologist and the clinical psychologist generally perform identical functions. The chief clinical psychologist, however, unlike the clinical psychologist, orders and maintains a supply of test materials, checks case charts, ensures that staff meetings are held, and reviews cases in order to ensure that they are closed pursuant to state requirements. Other than the foregoing, there is no meaningful

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2/ While other employes may occasionally make personnel recommendations, the record shows that Kahill has more effective authority in this area and that he has exercised that authority in the past with regularity.

difference in the duties of the two positions. Since the chief clinical psychologist does not possess any of the indicia of supervisory or managerial status, and as the chief clinical psychologist generally performs duties similar to those performed by other unit employees, we conclude that the chief clinical psychologist is included in the unit.

Dated at Madison, Wisconsin this 8th day of February, 1977.

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By Morris Slavney /s/  
Morris Slavney, Chairman

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