

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of	:	
	:	
STAFF NURSES COUNCIL OF MILWAUKEE	:	Case CXXI
LOCAL 5001, AFT, AFL-CIO	:	No. 25065 ME-1723
	:	Decision No. 17476
Involving Certain Employes of	:	
	:	
MILWAUKEE COUNTY (INSTITUTIONS)	:	
	:	

Appearances:

- Mr. Richard A. Schwarz, Field Representative, Wisconsin Federation of Nurses and Health Professionals, appearing for the Petitioner.
- Mr. Jerry Richardson, National Representative, American Federation of Teachers, appearing for the Petitioner.

Staff Nurses Council of Milwaukee, Local 5001, AFT, AFL-CIO, having petitioned the Wisconsin Employment Relations Commission to conduct an election among certain employes of Milwaukee County; and a hearing on such petition having been conducted at Milwaukee, Wisconsin, on October 16, 1979, before William C. Houlihan, and the Commission being fully advised in the premises, makes and issues the following

DIRECTION OF ELECTION

IT IS DIRECTED that an election by secret ballot shall be conducted under the direction of the Wisconsin Employment Relations Commission in a voting group consisting of all Medical Technologists I, Microbiology Technologists, Chemistry Technologists, and Clinical Chemists employed by Milwaukee County, excluding supervisory, confidential, managerial, and all other employes, who were employed on November 11, 1979, 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 the eligible employes in said voting group voting desire to be represented by the Staff Nurses Council of Milwaukee, AFT, AFL-CIO for purposes of collective bargaining on matters pertaining to wages, hours and conditions of employment. As is explained in our accompanying memorandum, if the required number of eligible voters vote in favor of such representation, the voting group will be included in the existing collective bargaining unit currently represented by the Staff Nurses Council of Milwaukee Local 5001, AFT, AFL-CIO, consisting of all regular full-time and regular part-time Registered Nurses, excluding confidential employes, supervisors, department heads, exempt positions, and all other employes.

Given under our hands and seal at the city of Madison, Wisconsin this 3rd day of December, 1979.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
 Morris Slavney, Chairman

Herman Torosian
 Herman Torosian, Commissioner

Gary L. Covelli
 Gary L. Covelli, Commissioner

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

On August 29, 1979, the Wisconsin Employment Relations Commission received a Petition for Election involving certain employes of the Milwaukee County Institutions from the Staff Nurses Council of Milwaukee Local 5001, AFT, AFL-CIO. A hearing on the matter was set for October 16, 1979. Notice of Hearing and a copy of the Petition were promptly served on all parties, 1/ including the Municipal Employer, by certified mail.

The hearing took place as scheduled, although the Municipal Employer did not appear. 2/ During the course of the hearing the Petitioner amended its petition to seek a representation election among the following employes:

All medical technologists, microbiology technologists, chemistry technologists, and clinical chemists employed by Milwaukee County in Milwaukee County Institutions, excluding supervisory personnel and all other employes of the Employer. (See Transcript 3-4.)

At the hearing the Petitioner further agreed that should it be successful in being selected as the bargaining representative for the petitioned for voting group, that that unit would be accreted to and become a part of its presently constituted unit of Registered Nurses.

The Examiner informed the Municipal Employer of the results of the October 16, 1979 hearing in a letter dated October 24, 1979 in which the Examiner requested that the Municipal Employer submit an eligibility list.

On November 13, 1979 the Commission received the eligibility list, which list reflected the amended unit sought by the Petitioner. Following receipt of the eligibility list by the Commission, the Municipal Employer, in response to a telephone call from the Examiner, indicated that it had no objection to the proposed election in the proposed voting unit to be followed by an accretion to the unit currently represented by the Staff Nurses Council if the vote is in favor of representation, so long as the Commission did not create a new collective bargaining unit out of the petitioned for voting group.

1/ By letter of September 18, 1979, Milwaukee District Council 48, AFSCME, AFL-CIO, informed the Commission that it was a party of interest in these proceedings, and was subsequently served with a copy of the Petition for Election and Notice of Hearing. Representatives of Council 48 did attend the hearing but did not appear on the record.

2/ Before opening the record, the Examiner telephoned the Municipal Employer and was informed that the Employer did not intend to appear and that the Employer had no objection to the hearing proceeding without the Employer. (See Transcript at 3.)

In light of the concurrence of the Municipal Employer in the petitioned for bargaining unit and conditional accretion it is concluded that there exists no substantive question to be determined by the Commission.

Dated at Madison, Wisconsin this 3rd day of December, 1979.

By Morris Slavney
Morris Slavney, Chairman
Herman Torosian
Herman Torosian, Commissioner
Gary L. Covelli
Gary L. Covelli, Commissioner