

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

-----

In the Matter of the Petition of	:	
	:	
DOUGLAS COUNTY	:	Case LXXX
	:	No. 26909 ME-1919
Involving Certain Employes of	:	Decision No. 18175-A
	:	
DOUGLAS COUNTY (PARKLAND AND MIDDLE	:	
RIVER HEALTH FACILITIES)	:	
	:	

-----

DIRECTION OF ELECTIONS

Douglas County having filed a petition requesting the Wisconsin Employment Relations Commission to conduct an election among certain employes in the employ of Douglas County at its Parkland and Middle River Health Facilities, for the purpose of determining whether said employes desired to be represented by Douglas County Federation of Nurses and Health Professionals, AFT, AFL-CIO for the purposes of collective bargaining; and on October 23, 1980, at Superior, Wisconsin, at the outset of the hearing on said petition, said parties having executed a stipulation in the matter; and the Commission being satisfied that questions concerning the appropriate bargaining unit or units, as well as a question of representation, having arisen in the matter, makes and issues the following

DIRECTION OF ELECTIONS

IT IS DIRECTED that elections 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 among certain employes of Douglas County in the following voting groups for the following stated purposes:

Voting Group No. 1

All licensed practical nurses employed by Douglas County at its Middle River Health Facility, who were employed on October 23, 1980, excluding supervisory, managerial, casual and all other employes, and also excluding all full-time and regular part-time licensed practical nurses employed at Parkland Health Facility, for the purpose of determining whether a majority of such employes voting desire to be represented by Douglas County Federation of Nurses and Health Professionals, AFT, AFL-CIO, for the purpose of collective bargaining with Douglas County; and

Voting Group No. 2


All registered nurses employed by Douglas County at its Middle River and Parkland Health Facilities, who were employed on October 23, 1980, excluding supervisory, managerial, casual and all other employes of said Facilities, except such employes as may prior to the election quit their employment or be discharged for cause for the purposes of determining:

1. whether a majority of the employes in said Voting Group desire to be included in the bargaining unit described as Voting Group No. 1; and
2. whether a majority of such employes voting desire to be represented by Douglas County Federation of Nurses and Health Professionals, AFT, AFL-CIO, for the purpose of collective bargaining with Douglas County.

Given under our hands and seal at the City of Madison, Wisconsin this 17th day of November, 1980.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
\_\_\_\_\_  
Morris Slavney, Chairman

  
\_\_\_\_\_  
Gary L. Covelli, Commissioner

MEMORANDUM ACCOMPANYING  
DIRECTION OF ELECTIONS

On September 15, 1980, Douglas County Federation of Nurses and Health Professionals, AFT, AFL-CIO, hereinafter referred to as AFT, filed two petitions with the Commission requesting that separate representation elections be conducted in two alleged appropriate units, namely:

"all registered nurses and licensed practical nurses, including graduate nurses, employed by Douglas County at its Middle River Health Facility, but excluding the Director of Nurses and all other employes; 1/ and

"all registered nurses, including graduate nurses, employed by Douglas County at its Parkland Health Facility, but excluding the Director of Nurses and all other employes." 2/

Prior to any further action by the Commission, and on September 26, 1980, the County filed a petition initiating the instant case, wherein it requested that an election be conducted among all regular full-time and regular part-time registered nurses and licensed practical nurses in its employ at the Parkland and Middle River Health Facilities, excluding supervisory, managerial, confidential, casual, temporary and all other employes of the County.

All three cases were assigned to an Examiner who issued an Order consolidating said matters for the purposes of hearing, which was scheduled for October 23, 1980, at Superior. At the outset of the hearing a representative of the United Food and Confectionary Workers, AFL-CIO, intervened in the matter on the basis that the latter organization presently represented licensed practical nurses at the Parkland Health Facility. The representatives of the County, AFT, and the United Food and Confectionary Workers, AFL-CIO agreed and stipulated that an election should be conducted among employes in a single unit consisting of registered nurses employed both at the Middle River and Parkland Health Facilities, as well as licensed practical nurses employed at the Middle River Facility, to determine whether said employes desired to be represented by AFT. The United Food and Confectionary Workers, AFL-CIO, do not seek to represent any professional nurses at either Facility, as well as the licensed practical nurses employed at the Middle River Facility.

In accordance with Section 111.70(4)(d) of the Municipal Employment Relations Act, professional employes cannot be included in the same bargaining unit with non-professional employes unless the professional employes involved vote to be so included. In order to be so included a majority of the eligible professional employes in the voting group must vote for such inclusion. Therefore, in this proceeding we shall conduct elections in two separate voting groups.

---

1/ Case LXXV, No. 26780, ME-1896, Decision No. 18173-A.

2/ Case LXXVI, No. 26779, ME-1895, Decision No. 18174-A.

The first voting group consists of the licensed practical nurses employed at the Middle River Health Facility. The second voting group consists of the professional nurses employed at both the Middle River and Parkland Health Facilities. The professional nurses employed in Voting Group No. 2 will be given two ballots. The question on the first ballot will determine whether said nurses desire to be included in the same unit with the non-professional licensed practical nurses. The second ballot given to the professional nurses will involve the question as to whether they desire to be represented by AFT. The ballot given to the licensed practical nurses (voting group No. 1) will also involve the issue as to whether the latter employes desire to be represented by AFT.

The unit determination ballots cast by the professional nurses will be initially counted, and should a majority of the eligible professional nurses vote in favor of being included in the same unit with licensed practical nurses, the representation ballots cast by the professional nurses will be co-mingled with the representation ballots cast by the licensed practical nurses and will be so counted.

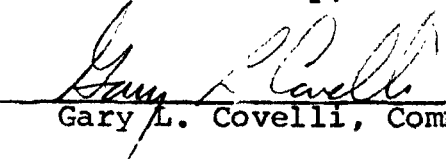
Should a majority of the professional nurses eligible not vote in favor of being combined in a single unit with the licensed practical nurses, then the representation ballots cast by the employes in both voting groups will be counted and tallied separately, and, of course, there will be two separate bargaining units.

Dated at Madison, Wisconsin this 17th day of November, 1980.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
\_\_\_\_\_  
Morris Slavney, Chairman

  
\_\_\_\_\_  
Gary L. Covelli, Commissioner