

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

**MILWAUKEE COUNTY (INSTITUTIONS)**

### Appearances:

No appearances were made on behalf of Milwaukee County. 1/

Staff Nurses Council of Milwaukee, Local 5001, AFT, AFL-CIO having, on March 12, 1981, filed a petition requesting the Wisconsin Employment Relations Commission to conduct an election, pursuant to Section 111.70 (4)(d) of the Municipal Employment Relations Act, to determine whether certain employees in the employ of Milwaukee County desired to be represented by said Petitioner for the purposes of collective bargaining with respect to wages, hours, and other terms and conditions of employment; and prior to the conduct of hearing in the matter, Milwaukee District Council 48, AFSCME, AFL-CIO, having been permitted to intervene in the matter on the basis of its claims that the employees set forth in the petition filed herein should appropriately be included within an existing collective bargaining unit consisting of certain employees of the County presently represented by AFSCME; and hearing in the matter having been conducted at Milwaukee, Wisconsin, on April 8, 1981 before Stuart S. Mukamal, Examiner; and the Commission, having reviewed the evidence and arguments of the parties and being fully advised in the premises, makes and issues the following

3. That Milwaukee County, hereinafter referred to as the County, is a municipal employer, which exercises its functions through various departments and agencies, and has its offices at the Milwaukee County Courthouse, 901 North 9th Street, Milwaukee, Wisconsin 53233; and that,

No. 18685

among its various functions, the County operates a Mental Health Complex, located on the grounds of the Milwaukee County Institutions.

4. That at all times material herein Staff Nurses Council has been, and is, the certified collective bargaining representative of approximately 780 employees in the employ of the County in the following collective bargaining unit:

All regular full-time and regular part-time Registered Nurses, including Kidney Transplant Coordinator (Title Code 527.4), Professional Standards Review Supervisor (Title Code 448.4), Medical Technologists I, Microbiology Technologists, Chemistry Technologists, and Clinical Chemists employed in various departments, excluding confidential employees, supervisors, department heads, and exempt positions.

5. That at all times material herein, AFSCME has been and is, the certified collective bargaining representative of certain employees of the County employed in various collective bargaining units; and that one of the units represented by AFSCME consists of the following employees of the County:

All professional social employees, including Family Court Marriage Counselor, Welfare Worker II, Medical Social Worker, Social Group Worker, Psychiatric Social Worker, Adult Probation Officer, Children's Probation Officer, excluding supervisors and all other employees.

6. That in its petition initiating the instant proceeding, Staff Nurses Council requests the Commission to conduct an election among "all Crisis Intervention Specialists I and II employed by the County in its Institutions, excluding supervisory personnel, and all other employees," to determine whether said employees desire to be represented by Staff Nurses Council for the purposes of collective bargaining, and in that respect should said Crisis Intervention Specialists I and II select Staff Nurses Council as their collective bargaining representative, the latter would then have the Commission accrete Crisis Intervention Specialists I and II to the professional unit presently represented by it, as noted in paragraph 4, above; that during the course of the hearing herein, AFSCME, on its claim that it represented the employees covered by the instant petition, was permitted to intervene in the matter; and that AFSCME desires the Commission to accrete the Crisis Intervention Specialists I and II to the professional social employees unit presently represented by it.

7. That the 15 Crisis Intervention Specialists I and II employed by the County have been in such employ since January 1, 1981, and are officed at the Child and Adolescent Treatment Center, located at the County Institutions; that said Specialists provide round-the-clock telephone and/or on-site counseling on an emergency, non-continuing basis to persons experiencing psychiatric and/or medical emergencies, with primary emphasis on emergencies related to alcoholism and/or drug abuse; that the Crisis Intervention Specialist I's spend their entire working day at the Institutions grounds, and performs services solely by telephone; that those employees holding the classification of Crisis Intervention Specialist II perform services by telephone to persons presenting themselves at the County General Hospital on a walk-in basis, as well as in the field, by face-to-face visitation at the site of a crisis; that the Crisis Intervention Specialists, in performing their counseling services, make recommendations to individuals and/or their families, physicians or psychiatrists, or to other interested parties, regarding care and treatment of the person involved, and also make referrals to psychiatrists and physicians regarding follow-up treatment; and that said Specialists also consult, on an on-going basis, with the County's Protective Service Management Team regarding petition assessments, under Wisconsin Statutes, relating to emergency psychiatric commitments, and in preparing petitions for protective placements involving individuals under Wisconsin Statutes.

8. That a Crisis Intervention Specialist I is required to have a bachelor's degree, with a major either in social work, psychology, or educational psychology or nursing; that a Crisis Intervention Specialist II is required to have either a master's degree in social work psychology, or educational psychology, or a licensure as a registered nurse by the

State of Wisconsin for qualification; and that all of the Crisis Intervention Specialists essentially perform identical tasks regardless of their particular academic training and degree.

9. That, although Crisis Intervention Specialists do not have regular day-to-day contact with other employees of the County, in the performance of their duties they do contact certain other county employees, including those presently represented by Staff Nurses Council, as well as those presently represented by AFSCME; and that the duties performed by the Crisis Intervention Specialists contain aspects related to functions performed by emergency, as well as other health care professionals, represented by Staff Nurses Council, as well as to the functions performed by the professional social services employees represented by AFSCME, and because thereof the Crisis Intervention Specialist I and II share significant community of interests with employees in both of the professional collective bargaining units as described above, separately represented by Staff Nurses Council and AFSCME.

10. That, while Staff Nurses Council and AFSCME seek accretion, of the Crisis Intervention Specialists to the particular professional bargaining unit represented by each of said organizations, neither indicated any strong objection to the conduct of an election among the Crisis Intervention Specialists to determine whether said employees desired to be represented by either of said organizations, or no organization; that neither of said organizations indicated any objection to the accretion of said employees to the appropriate collective bargaining unit represented by the labor organization which receives a majority of the votes cast in the election involved; and that the County has taken no position in the matter.

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

#### CONCLUSIONS OF LAW

1. That Crisis Intervention Specialists I and II employed by Milwaukee County at the Milwaukee County Institutions are professional employees within the meaning of Section 111.70(1)(1) of the Municipal Employment Relations Act.

2. That a question of representation within the meaning of Section 111.70(4)(d) of the Municipal Employment Relations Act, has arisen involving Crisis Intervention Specialist I and II in the employ of Milwaukee County and further, an issue has arisen involving a determination with respect to the bargaining unit in which the Crisis Intervention Specialist I and II should be appropriately included, within the meaning of Section 111.70(4)(d)2.a. of the Municipal Employment Relations Act.

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

#### DIRECTION OF ELECTION

IT IS HEREBY DIRECTED that an election by secret ballot shall be conducted under the direction of the Wisconsin Employment Relations Commission among all Crisis Intervention Specialists I and II employed by Milwaukee County at the Milwaukee County Institutions, excluding supervisory, managerial, confidential employees, and all other employees as may prior to the election quit their employment or be discharged for cause, for the purpose of determining whether a majority of such employees voting desire to be represented for the purposes of collective bargaining by Staff Nurses Council of Milwaukee, Local 5001, AFT, AFL-CIO, or by Milwaukee District Council 48, AFSCME, AFL-CIO, or by neither organization, for the purposes of collective bargaining on wages, hours

and other terms and conditions of employment; and that should the required number of employees select either of said labor organizations as their collective bargaining representative, said employees will be deemed accreted to the professional bargaining unit represented by the labor organization so selected.

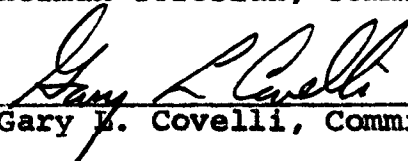
Given under our hands and seal at the  
City of Madison, Wisconsin this 15th  
day of May, 1981.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slavney, Chairman

  
Herman Torosian, Commissioner

  
Gary L. Covelli, Commissioner

MEMORANDUM ACCOMPANYING FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND DIRECTION OF ELECTION

In this proceeding Staff Nurses Council seeks to represent Crisis Intervention Specialists I and II. AFSCME also claims to represent said Specialists. Both organizations desire to accrete the Specialists to the particular professional bargaining unit of institutional employees presently represented by each of them. The County took no position in the matter.

As indicated in the Findings of Fact, the Specialists are professional employees. Their training and duties indicate that they have a community of interest with the professional employees in either of the two units separately represented by each organization. Under such circumstances, the Commission deems it appropriate to grant the Specialists the opportunity to determine for themselves which organization will represent them and to which unit they desire to accrete.

Staff Nurses Council presently represents a professional unit of County employees. AFSCME represents a number of units among County employees, professional, as well as non-professionals. The fact that AFSCME engages in multi-unit bargaining with the County does not provide a basis for denying the Specialists an opportunity to accrete to the professional unit represented by AFSCME. Further, AFSCME, and the County have an established practice of having each unit separately bargaining on so-called "local issues" relating to the particular unit involved.

Therefore, we have directed an election wherein the Specialists will be given the opportunity to vote for either organization, or no organization, as their bargaining representative. Should a majority of the employees voting cast their ballots for a particular organization, they will be accreted to the bargaining unit represented by that organization. If a majority of the employees vote in favor of "no organization," they will have indicated a preference to reject collective bargaining.

Dated at Madison, Wisconsin this 15th day of May, 1981.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slavney, Chairman

  
Herman Torosian, Commissioner

  
Gary L. Covelli, Commissioner