

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS BOARD

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 In the Matter of the Petition of :
 :
 DRIVERS, WAREHOUSE AND DAIRY EMPLOYEES UNION, :
 LOCAL NO. 75 affiliated with the INTERNATIONAL :
 BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WARE- : Case I
 HOUSEMEN AND HELPERS OF AMERICA : No. 8580 ME-5
 : Decision No. 6041
 For Determination of Bargaining :
 Representatives for Employes of :
 :
 CITY OF GREEN BAY :
 :

DIRECTION OF ELECTION

Drivers, Warehouse and Dairy Employees Union, Local No. 75, affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, having petitioned the Wisconsin Employment Relations Board to conduct an election pursuant to Section 111.70 of the Wisconsin Statutes among certain employes of the City of Green Bay; and a hearing on such petition having been conducted at Green Bay, Wisconsin, on April 18, 1962, Chairman Morris Slavney and Commissioner J. E. Fitzgibbon being present; and during the course of the hearing Green Bay Municipal Employees Union, Local 1672, AFSCME, AFL-CIO, moved to intervene, claiming to represent certain employes in the bargaining unit, and the Board during the course of the hearing having granted the motion to intervene; and the Board having considered the evidence and being satisfied that a question has arisen concerning representation for certain employes of the Municipal Employer named above;

NOW, THEREFORE, IT IS DIRECTED that an election by secret ballot shall be conducted under the direction of the Wisconsin Employment Relations Board within sixty (60) days from the date of this Directive in the collective bargaining unit consisting of all employes employed by the City of Green Bay, in its Public Works Department in the Street Division, Sanitation Division, and Sewer Division, but excluding shop foremen, street foremen, and supervisor of sewer maintenance, office and clerical employes, and executives, who were employed by the Municipal Employer on June 25, 1962, 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 desire to be represented by Drivers, Warehouse and Dairy Employees Union, Local 75, affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, by Green Bay Municipal Employees Union, Local 1672, AFSCME, AFL-CIO, or by neither, for the purposes of conferences and negotiations with the above named Municipal Employer on questions of wages, hours, and conditions of employment.

~~(SEAL)~~

Given under our hands and seal at the City of Madison, Wisconsin, this 25th. day of June, 1962.

WISCONSIN EMPLOYMENT RELATIONS BOARD

By Morris Slavney /s/
 Morris Slavney, Chairman
J. E. Fitzgibbon /s/
 J. E. Fitzgibbon, Commissioner
Arvid Anderson /s/
 Arvid Anderson, Commissioner

Handwritten notes and signatures:
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 27 (40) (59)

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS BOARD

Case I DRIVERS, WAREHOUSE AND DAIRY EMPLOYEES UNION, LOCAL NO. 75
No. 8580 ME-5 affiliated with the INTERNATIONAL BROTHERHOOD OF TEAMSTERS,
 CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA

Decision No. 6041 CITY OF GREEN BAY

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

Drivers, Warehouse and Dairy Employees Union, Local No. 75, affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America filed a petition requesting the Board to conduct an election pursuant to Section 111.70 of the Wisconsin Statutes among certain employes of the City of Green Bay Department of Streets and Sanitation.

During the hearing held in the matter on April 18, 1962, Green Bay Municipal Employees Union, Local 1672, AFSCME, AFL-CIO, moved to intervene, claiming an interest among the employes in the alleged bargaining unit and said labor organization was permitted to intervene in the proceedings. It developed also that the correct name of the Employer is the City of Green Bay and not the City of Green Bay Department of Streets and Sanitation. In its petition Local No. 75 alleged the appropriate collective bargaining unit to consist of all employes of the Street and Sanitation Department employed in the shop, incinerator, as motor equipment operators, and in sewer maintenance. Evidence disclosed that the City of Green Bay operates a Public Works Department and that the employes alleged to be in the appropriate unit by Local No. 75 are actually employed in the Street Division, the Sanitation Division, and the Sewer Division of the Public Works Department. The two labor organizations, as well as the Employer, agreed that the appropriate unit should consist of the employes employed in the Street Division, Sanitation Division, and Sewer Division of the Public Works Department of the City of Green Bay. Local No. 75 desired to include all the employes in the named divisions with the exception of four custodial employes who were employed in the shop which is a part of the street division. Local 1672 desired to include the four custodial employes in the bargaining unit.

From the record, the Board is satisfied that the custodial employes should not be excluded from the bargaining unit for the reason that they work under the same supervisor, who is in charge of the other employes in the street division. Their hours of work may be different from the other employes in the division and the nature of their duties may differ somewhat from those duties performed by other employes in the street division. Nevertheless the character of their duties are not such as to cause them to be separated from the other employes. They exercise no specialized skill. They work nights and weekends and holidays, whereas the other employes in the division are not usually so employed. Nevertheless we are satisfied that there is no compelling reason to cause the custodial employes to be eliminated from the over-all unit agreed to be the parties and we therefore shall include the custodial employes as eligibles in the bargaining unit.

Evidence was taken with regard to whether or not certain employes exercised supervisory duties so as to exclude them from the eligibles in the bargaining unit. We are satisfied that the shop foreman and the street foreman, as well as the supervisor of sewer maintenance, are supervisors and therefore should be excluded from the bargaining unit. The individuals occupying these classifications can effectively recommend hiring and firing of employes, as well as disciplinary action. The shop foreman spends approximately 50 percent of his time in

supervision. The two street foreman spend the entire amount of their time in supervision, while the supervisor of sewer maintenance spends approximately 75 per cent of his time in supervision.

Dated at Madison, Wisconsin, this 25th. day of June, 1962.

WISCONSIN EMPLOYMENT RELATIONS BOARD

By Morris Slavney /s/
Morris Slavney, Chairman

J. E. Fitzgibbon /s/
J. E. Fitzgibbon, Commissioner

Arvid Anderson /s/
Arvid Anderson, Commissioner