

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS BOARD

In the Matter of the Petition of : Case I
SUPERIOR BOARD OF EDUCATION EMPLOYEES : No. 8647 ME-29
LOCAL 1397, AFSCME, AFL-CIO : Decision No. 6056-A
Involving Employees of :
JOINT SCHOOL DISTRICT NO. 1, CITY OF SUPERIOR, :
VILLAGE OF SUPERIOR, VILLAGE OF OLIVER, :
TOWNS OF SUPERIOR, OAKLAND, PARKLAND and :
SUMMIT :

Appearances:

Mr. Richard C. Erickson, Representative, for the Petitioner.
Mr. Dell Larson, President, Building Service Employees Union,
Local No. 88
Mr. William Denter, Representative, for General Drivers &
Helpers Union Local No. 288
Mr. Arthur Minguay, Secretary and Mr. Toby Marcovich, Attorney,
for the Municipal Employer.

DIRECTION OF ELECTION

The above named Petitioner having petitioned the Wisconsin Employment Relations Board to conduct an election pursuant to Section 111.70 of the Wisconsin Statutes, among certain employees of the above named Municipal Employer; and a hearing on said Petition having been conducted at Superior, Wisconsin, on June 7 and August 8, 1962, Chairman Morris Slavney being present; and during the course of the hearing Building Service Employees Union Local No. 88, Independent, and General Drivers & Helpers Union Local No. 288 having separately moved to intervene in the proceeding, claiming to represent certain employees in the proposed bargaining unit and such motion having been granted during the course of the hearing; and the Board having considered the evidence and being satisfied that questions have arisen concerning the appropriate collective bargaining unit or units and concerning representation for certain employees of the Municipal Employer;

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)

No. 6056-A

days from the date of this directive in the following separate groups:

Group No. 1

All regular bus drivers in the employ of Joint School District No. 1, City of Superior, Village of Superior, Village of Oliver, Towns of Superior, Oakland, Parkland and Summit, excluding all other employes, supervisors and executives, who were employed by said Municipal Employer on August 13, 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 General Drivers and Helpers Union, Local No. 288, by Superior Board of Education Employees Local 1397, 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.

Group No. 2

All regular engineers, engineer-custodians, custodians, and janitresses in the employ of Joint School District No. 1, City of Superior, Village of Superior, Village of Oliver, Towns of Superior, Oakland, Parkland and Summit, excluding all other employes, supervisors, and executives, who were employed by said Municipal Employer on August 13, 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 Building Service Employees Union Local No. 88, Independent, by Superior Board of Education Employees Local 1397, 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.

Group No. 3

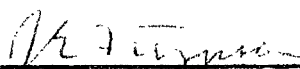
All regular cooks, cafeteria helpers, attendants, and stockmen in the employ of the Joint School District No. 1, City of Superior, Village of Superior, Village of Oliver, Towns of Superior, Oakland, Parkland and Summit, excluding all other employes, supervisors and

executives, who were employed by said Municipal Employer on August 13, 1962, except such employees as may prior to the election quit their employment or be discharged for cause, for the purpose of determining whether or not a majority of such employees desire to be represented by Superior Board of Education Employees Local 1397, AFSCME, AFL-CIO for the purposes of conferences and negotiations with the above named Municipal Employer on questions of wages, hours and conditions of employment.

Given under our hands and seal at the
City of Madison, Wisconsin, this 13th
day of August, 1962.

WISCONSIN EMPLOYMENT RELATIONS BOARD

By 
Morris Slavney, Chairman


J. E. Fitzgibbon, Commissioner

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS BOARD

In the Matter of the Petition of

SUPERIOR BOARD OF EDUCATION EMPLOYEES
LOCAL 1397, AFSCME, AFL-CIO

Involving Employees of

JOINT SCHOOL DISTRICT NO. 1, CITY OF SUPERIOR,
VILLAGE OF SUPERIOR, VILLAGE OF OLIVER,
TOWNS OF SUPERIOR, OAKLAND, PARKLAND and
SUMMIT

:
: Case I
: No. 8647 ME-29
: Decision No. 6056-A
:

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

On June 7, 1962, the Wisconsin Employment Relations Board, pursuant to notice, conducted a hearing in the above entitled matter at Superior, Wisconsin, and during the course of said hearing representatives of the above named Petitioning Union and the Municipal Employer entered into a stipulation with regard to the unit appropriate for collective bargaining as follows: "All regular full-time and regular part-time bus drivers, engineers, custodians, cooks, janitresses, stockroom clerks, cafeteria helpers and attendants in the employ of said Municipal Employer, excluding all other employees, supervisors and executives".

Prior to any further action by the Board, on June 11, 1962, Building Service Employees Union, Local No. 88, Independent, advised the Board that it claimed to represent certain employees in the employ of the Municipal Employer and requested the Board to conduct an election therein. Subsequently and on June 25, 1962, Building Service Employees Union Local No. 88, Independent filed a petition with the Board requesting that an election to be conducted among only full-time janitors, janitress and engineers of the above named Municipal Employer, excluding all other employees.

On July 13, 1962, the Board scheduled the matter for further hearing. Said matter was again heard on August 8, 1962, at Superior,

where Building Service Employees Union Local No. 88, Independent was permitted to intervene.

In addition, General Drivers & Helpers Union Local No. 288 appeared at the hearing and claimed to represent a substantial number of the bus drivers in the employ of the Municipal Employer. Said labor organization was permitted to intervene. Local 516, Independent Union of Operating Engineers, Duluth, Minnesota moved to intervene in the proceeding, however said labor organization claimed no membership among any employees of the Municipal Employer and its motion to intervene was denied.

At the outset of the hearing, Building Service Employees Local No. 88, Independent, who claimed to represent the custodial employees (engineers, engineer-custodians, custodians and janitresses), indicated that it desired that an election be conducted among the custodial employees only, claiming that the custodial employees constituted a separate department or division of the Municipal Employer. General Drivers & Helpers Union Local No. 288 contended that the bus drivers also constituted a separate department or division and therefore said employees should be given the opportunity to determine for themselves whether or not they desired to constitute themselves a separate bargaining unit.

During the course of the hearing the representatives of Local 1397 and the Municipal Employer indicated a preference that there be one over-all bargaining unit.

We recently stated in Appleton Water Commission^{1/} that

"whenever a petition for an election is filed with the Board and where, in that petition, the petitioner requests an election among certain employees not constituting all of the employees of the employer the Board has no power to determine what constitutes an appropriate collective bargaining unit. ^{2/} The Board determines whether the group of employees set out as being an appropriate unit, does in fact constitute a separate craft, division, department,

^{1/} Dec. No. 6075, 8/2/62

^{2/} Gimbel Bros. Dec. No. 251, 6/41; Beaumont Hotel, Dec. No. 3630, 11/52
Dodge County Wisconsin, Dec. No. 6067, 7/27/62

or plant of the employer, are then given the opportunity to decide for themselves whether they desire to constitute a separate bargaining unit. 3/

Whenever a petition for an election is filed with the Board, and in that petition the petitioner requests an election to be conducted among certain employees, and where those employees do not constitute all of the employees of the employer, the Board must, if an issue is raised during the proceeding, determine whether or not such group of employees constitute a separate craft, division, department, or plant. The Board's action with regard to the establishment of the bargaining unit is limited to determining whether or not a separate craft, department, division, or plant exists and, if so, the employees, by their vote, determine the bargaining unit."

At the hearing evidence was adduced material to the determination as to whether or not the various employees were employed in separate divisions or departments.

Following the close of the hearing, representatives of the Local 1397 advised that it was not opposed to permitting employees in the various groups to determine for themselves whether or not they desired to establish separate bargaining units. The Attorney for the Municipal Employer, also subsequent to the hearing, indicated a like position.

We believe it practical in this proceeding to eliminate the separate balloting on the unit question since there now appears to be an agreement that the bus drivers, as well as the custodial employees, constitute separate departments. We shall prepare the ballots in those groups so as to permit the employees involved to indicate their choice as to the selection or rejection of their bargaining representative. If a majority of the bus drivers (group No. 1) vote for the General Drivers Union, said group of employees shall constitute a separate collective bargaining unit. If the majority of said employees fail to vote for that labor organization then the bus drivers will be deemed to have rejected the separate collective bargaining unit. Likewise if a majority of the custodial employees (group No. 2) vote for Building Service Employees Union,

3/ Normington Laundry, Dec. No. 3864, 12/54

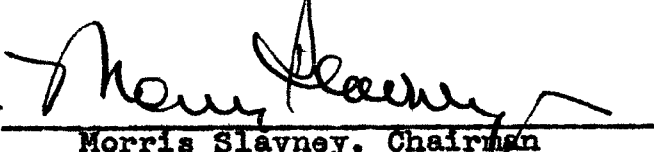
Local 88, Independent, which desires a separate custodial unit, the custodial employees shall constitute a separate collective bargaining unit and if the majority of such employees fail to vote for that labor organization then said custodial employees will be deemed to have rejected the separate collective bargaining unit.

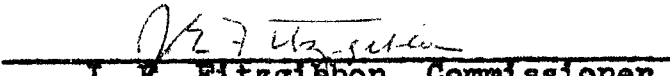
The petitioning labor organization, Local 1397, has indicated its desire to be on the ballot in each of the groups. General Drivers & Helpers Union Local No. 288 desires to be on the ballot in the group involving only the bus drivers, while the Independent Union desires to be on the ballot involving the group of custodial employees only. If the results of the balloting in either Group No. 1 or Group No. 2 indicate that the employees therein have rejected the separate unit or units, such group or groups will be included in the same unit with the employees in Group No. 3, and their votes will be pooled with those in voting Group No. 3.

Dated at the City of Madison, Wisconsin, this 13th day of August, 1962.

WISCONSIN EMPLOYMENT RELATIONS BOARD

By


Morris Slavney, Chairman


J. E. Fitzgibbon, Commissioner