

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS BOARD

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In the Matter of the Petition of	:	
WAUPUN CITY EMPLOYEES UNION LOCAL 1112	:	
AFSCME, AFL-CIO	:	
Involving Employes of	:	Case I
	:	No. 8651 ME-31
CITY OF WAUPUN	:	Decision No. 6086
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Appearances:

Mr. Robert W. Swanson, Representative for the Petitioner.  
Mr. Sheldon E. Meyer, City 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 employes of the above named Municipal Employer; and a hearing on such petition having been conducted at Waupun, Wisconsin, on June 1, 1962, James L. Greenwald, examiner, being present; and the Board having considered the evidence and being satisfied that questions have arisen concerning the appropriate collective bargaining unit and concerning representation for certain employes of the Municipal Employer;

NOW, THEREFORE, it is

DIRECTED

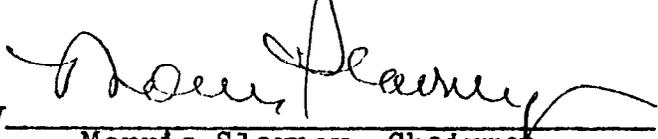
That an election by secret ballot shall be conducted under the direction of the Wisconsin Employment Relations Board within sixty (60) days from the date of this Directive in the group of employes consisting of all employes of the City of Waupun employed in the Waupun Public Utility, excluding supervisors, and executives, and all other employes of the City of Waupun, who were employed by said Municipal Employer on August 14, 1962, except such employes as may prior to the election quit

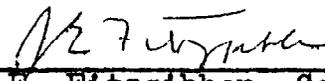
their employment or be discharged for cause, for the purpose of determining whether or not a majority of such employes desire to be represented by Waupun City Employees Union Local 1112, AFSCME, AFL-CIO, in a separate collective bargaining unit, for the purposes of conferences and negotiations with the 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 14th day of August, 1962.

WISCONSIN EMPLOYMENT RELATIONS BOARD

By

  
Morris Slavney, Chairman

  
J. E. Fitzgibbon, Commissioner

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MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

The Petitioner, in its petition, claimed the appropriate bargaining unit to consist of all employes of the City of Waupun Water and Light Commission, excluding supervisors. At the hearing the Petitioner contended that said employes were employed in a single department of the City. The Municipal Employer argued that all employes of the City should constitute the appropriate bargaining unit.

The Waupun Public Utility, as it is correctly called, provides electrical, water, and sewerage services to the residents of Waupun. By ordinance, the operation thereof is controlled by a Board of Commissioners who are elected by the City Common Council. Said Board is in charge of, and manages, the Utility only. In such capacity it appoints a superintendent and fixes his compensation. The Common Council, however, has general control and supervision of the Utility and sets the salaries for the paid commissioners.

The remainder of the city's operations are performed by employes in the Street Department, the Police Department, the office of the Clerk-Treasurer, the Library, and the City Nurse. Each of said departments have their separate supervision, such supervision being unrelated to any of the employes in the Waupun Public Utility.

The employes employed in the Waupun Public Utility are physically and functionally separate from remaining operations of the City. Its main facilities are located at one location where nineteen employes are assigned. Two employes are employed in the sewage disposal plant which is located separate from the main facilities. No other employes of the City are stationed at either plant or facility. On rare occasions, employes of the Utility may work together with employes of the Street Department. The Board is satisfied that the Waupun Public Utility functions as a separate department, by the fact that it is separately located, it is under separate supervision, and its employes perform duties which are distinct from the duties performed by other employes of the City of Waupun. Section 111.70 (4)(d) provides that election proceedings involving municipal employes shall be conducted in accordance with Sections 111.02(6) and 111.05 of the Wisconsin Employment Peace Act, insofar as applicable.

The Act provides that all employes of an employer constitute the appropriate unit, except where employes engaged in a separate craft, division, department, or plant, shall have voted by secret ballot to constitute themselves a separate unit they shall be so considered. We are satisfied that the evidence herein establishes that the Waupun Public Utility is a separate department and, therefore, we shall permit the employes thereof to determine for themselves whether or not they desire to constitute themselves a separate unit.

As we recently stated in Appleton Water Commission <sup>1.</sup>/<sub>1</sub>, where the petitioning union seeks to represent employes in a group less than all of the employes of a municipal employer and the group constitutes a separate department, if a majority of the employes vote for the petitioning union as their bargaining representative, they will, thereby,

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1. Decision No. 6075

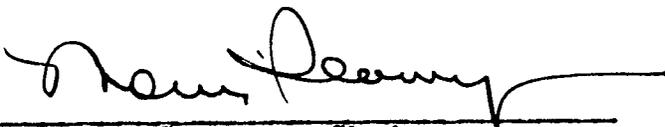
establish a separate bargaining unit.

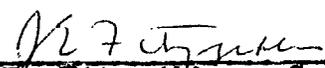
The parties were in agreement that Robert Doan, the Superintendent, should be excluded as a supervisor. The Petitioner contended that Homer Lanphear should also be excluded from the eligibles as a supervisor. The record discloses that Mr. Lanphear is no more than a crew leader and, therefore, he shall be included among the eligibles.

Dated at Madison, Wisconsin, this 14th day of August, 1962.

WISCONSIN EMPLOYMENT RELATIONS BOARD

By

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

  
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J. E. Fitzgibbon, Commissioner