

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS BOARD

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In the Matter of the Petition of

LOCAL NO. 2 and MILWAUKEE DISTRICT COUNCIL :  
NO. 48, AMERICAN FEDERATION OF STATE, COUNTY :  
AND MUNICIPAL EMPLOYEES, AFL-CIO :

Case I  
No. 8589 ME-60  
Decision No. 6147

Involving Employees of :  
CITY OF FRANKLIN - DEPARTMENT OF PUBLIC WORKS :  
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Appearances:

Goldberg, Previant & Uelmen, Attorneys at Law, by Mr. Albert Goldberg,  
and Mr. Napoleon Pryor, Staff Representative, for the Petitioner.  
Mr. William H. Bowman, Attorney at Law, 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 such petition having been conducted at the City Hall, Franklin, Wisconsin, on August 16, 1962, James L. Greenwald, Examiner, being present for the Board; and the Board having considered the evidence and being satisfied that questions have arisen 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) days from the date of this Directive in the collective bargaining unit consisting of all employees in the employ of the Department of Public Works of the City of Franklin, Wisconsin, excluding supervisory employees, who were employed by said Municipal Employer on October 25, 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 Local No. 2 and

Milwaukee District Council No. 48, American Federation of State, County and Municipal Employees, 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 29<sup>th</sup> day of October, 1962.

WISCONSIN EMPLOYMENT RELATIONS BOARD

By Morris Slavney /s/  
Morris Slavney, Chairman

SEAL

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

Arvid Anderson /s/  
Arvid Anderson, Commissioner

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MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

In its petition the Union requested the Board to conduct a representation election in a unit consisting of all employees in the Department of Public Works of the City of Franklin, excluding craft and supervisory personnel. The only issues arising during the course of the hearing were those dealing with whether or not Lester Anderson and Robert Winter were to be included among the eligibles to participate in the election. The Municipal Employer employs a total of seven (7) employees in the Department of Public Works. Lester Anderson is classified as Superintendent and Robert Winter is classified as Assistant Highway Superintendent. The remaining employees are classified as truck drivers. The Municipal Employer contends that both Anderson and Winter are supervisors, and further that Winter is also a "craft" employee. The Union alleges that neither Anderson nor Winter are supervisors, and, further, that Winter is not a "craft" employee.

Anderson receives \$3.01 per hour, Winter earns \$2.75 per hour, and the truck drivers are paid \$2.30 per hour. Anderson has the authority to hire employees and has exercised this authority. He also has complete authority for directing the work activities of all employees in the department. The Board concludes that Anderson, by virtue of his authority in the department, and his substantially higher hourly rate

is a supervisor, and, therefore, he shall be excluded from the eligibles in the unit.

Winter was hired in the spring of 1958 to operate heavy equipment and to maintain same. He had formerly performed these duties for another municipality. He spends approximately 75 per cent of his time operating heavy equipment, which duties could be performed by truck drivers after one (1) month's training. His duties with respect to maintenance and repair of equipment are similar to those of automotive mechanics employed in garages and service stations and requires substantial skill and technical knowledge. Since the duties of a heavy equipment operator can be performed by truck drivers after one (1) month's training we conclude that such duties do not qualify the heavy equipment operator as a "craft" employe, and, further, since Winter spends the great majority of his time performing such duties, we do not consider it necessary to determine whether or not his duties as a mechanic qualify him as a "craft" employe.

The evidence discloses that Winter may exercise supervisory functions in the absence of Anderson and that he is more or less a crew leader of the truck drivers. As a crew leader he is not a supervisor and since he only exercises supervisory functions in a few instances he shall be considered eligible since his supervisory characteristics are insufficient to exclude him from eligibles in the bargaining unit.

Dated at Madison, Wisconsin, this 29<sup>th</sup> day of October, 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