

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS BOARD

In the Matter of the Petition of :
THE CITY OF MILWAUKEE GARBAGE :
COLLECTION LABORERS INDEPENDENT :
LOCAL UNION :
Involving Employes of : Case XVIII
CITY OF MILWAUKEE, Employed in the : No. 9093 ME-102
COLLECTION DIVISION of the BUREAU : Decision No. 6253
OF GARBAGE COLLECTION AND DISPOSAL :
in the DEPARTMENT OF PUBLIC WORKS :

DIRECTION OF ELECTION

The City of Milwaukee Garbage Collection Laborers Independent Local Union having on March 15, 1963 filed a petition with the Wisconsin Employment Relations Board to conduct an election, pursuant to Section 111.70 of the Wisconsin Statutes, among garbage collection laborers employed in the Collection Division of the Bureau of Garbage Collection and Disposal in the Department of Public Works of the City of Milwaukee, hereinafter referred to as the Municipal Employer, and a hearing on said petition having been conducted at Milwaukee, Wisconsin on March 18, 1963 at the City Hall, Chairman Morris Slavney and Commissioner Arvid Anderson being present, and during the course of the hearing, District Council 48 and its Local 1203, affiliated with the American Federation of State, County and Municipal Employees, having moved that the petition be dismissed alleging that same was not timely filed, inasmuch as the Board on January 18, 1963 had issued its Direction of Elections involving the employes covered by the

Garbage Collection and Disposal in the Department of Public Works of the City of Milwaukee.

NOW, THEREFORE, it is

DIRECTED

That an election by secret ballot shall be conducted under the direction of the Wisconsin Employment Relations Board on March 27 and 28, 1963 in the voting group consisting of all regular employes having the classification of garbage collection laborers in the Collection Division of the Bureau of Garbage Collection and Disposal in the Department of Public Works of the City of Milwaukee, excluding all other employes, confidential employes, supervisors and executives, who were employed by the City of Milwaukee on February 1, 1963, 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 The City of Milwaukee Garbage Collection Laborers Independent Local Union, or Milwaukee District Council 48 (and its appropriate locals), American Federation of State, County and Municipal Employees, or by neither, for the purposes of conferences and negotiations with the City of Milwaukee on questions of wages, hours and conditions of employment.

Given under our hands and seal at the City of Madison, Wisconsin this 19th day of March, 1963.

WISCONSIN EMPLOYMENT RELATIONS BOARD

(SEAL)

By Morris Slavney /s/
Morris Slavney, Chairman

Arvid Anderson /s/
Arvid Anderson, Commissioner

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MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

On March 30, 1962 Local 1203, American Federation of State, County and Municipal Employees, AFL-CIO, filed a petition with the Wisconsin Employment Relations Board requesting the Board to conduct a representation election pursuant to Section 111.70 of the Wisconsin Statutes among all garbage collection and disposal laborers employed in the Bureau of Garbage Collection and Disposal in the Department of Public Works of the City of Milwaukee. On April 2, 1962 Milwaukee District Council 48, American Federation of State, County and Municipal Employees, filed a petition with the Board requesting that a representation election be conducted among various employees employed in the Department of Public Works of the City of Milwaukee, including the garbage collection laborers employed in the Bureau of Garbage Collection and Disposal. An internal dispute arose between the representatives of Local 1203 and District Council 48 with respect to their conflicting claims regarding the unit appropriate for the garbage collection laborers. However, prior to the close of the hearing on the various petitions for election filed by various labor organizations involving employees of the City of Milwaukee, which hearing was held on May 7 and May 11, 1962 at Milwaukee, Wisconsin, representatives of Local 1203 and District Council 48 indicated that they

had resolved their internal dispute and that they had agreed that the garbage collection laborers should be included in the over-all Department of Public Works unit. On January 18, 1963 the Board issued Direction of Elections with reference to the various petitions filed involving employees of the Department of Public Works and therein determined that the garbage collection laborers were included in the over-all Department of Public Works voting group.

Subsequent to the Direction the dispute between representatives of Local 1203 and District Council 48 again flared into the open and counsel for the officers of Local 1203 on February 27, 1963 directed a letter to the Board wherein he stated that Local 1203 desired certification as the collective bargaining representative for garbage collection laborers. Hearing was scheduled on this request but was adjourned because of the illness of the counsel for Local 1203. The hearing was held on March 7, 1963, however no representative of Local 1203 appeared at said hearing and prior to the close thereof the Board announced that it was denying the request to establish a separate and distinct voting group for garbage collection laborers because of the conflicting positions of two labor organizations affiliated with the same International Union.

On March 13, 1963 counsel for Local 1203 filed a motion with the Board requesting the Board to take certain action which would result in establishing a separate voting group for the garbage collection laborers in order to give said employees an opportunity to determine whether they desired to be represented by Local Union 1203 or any other labor organization. On March 15, 1963 and prior to any Board action on the motion, counsel for the former officers of Local 1203 filed an election petition with the Board on behalf of The City of Milwaukee Garbage Collection Laborers Independent Local Union, hereinafter referred to as the Independent, requesting

that an election be conducted among garbage collection laborers to determine their bargaining representative. The parties waived formal issuance of the Notice of Hearing on said petition and, upon being telephonically advised, agreed that hearing on the petition be held on March 18, 1963. At said hearing the parties were given the opportunity to present evidence and make any arguments they chose.

Representatives of Local 1203 and District Council 48 oppose the petition of the Independent. During the course of the hearing the Independent established that all of the former officers and a substantial number of former members of Local 1203 had organized, and were in the process of forming, the Independent Union and that they had become members thereof. Such proof was in the form of authorization cards executed by employees employed as garbage collection laborers. Such authorization cards indicated that the employees signing same were authorizing a dues deduction in favor of the Independent Union. The Board recessed the hearing to study the matter and at the conclusion of the recess announced that it would permit the petition of the Independent Union to stand and that the Board would direct an election in a voting group consisting of employees occupying the position of garbage collection laborer employed in the Collection Division of the Bureau of Garbage Collection and Disposal.

The Board recognizes the fact that the instant petition was filed almost two months following the Board's Direction of Elections involving employees of the Department of Public Works. Generally the Board would not permit any intervention in proceedings of this nature at such late date. However under the circumstances in this case, and because of the nature of the controversy which existed between District Council 48 and its Local 1203, and which ultimately resulted in the establishment of the Independent

Union, the Board is of the opinion that in order to carry out the policies of Section 111.70 of the Wisconsin Statutes, it should now permit the petition to stand in order that the garbage collection laborers who are employed in a separate division of the Municipal Employer to determine for themselves, not only their collective bargaining representative, but also whether or not they desire to constitute themselves as a separate collective bargaining unit. Garbage collection laborers by this Direction will be given an opportunity to vote for the Independent Union or District Council 48 (and its affiliated labor organizations) or neither of said organizations as their collective bargaining representative. If a majority of employees select the Independent Union they will be considered to have established themselves as a separate bargaining unit. If a majority do not so choose then the results of the balloting in this voting group shall be included in the results of the balloting in Voting Group No. 8 which generally consists of employees in the Department of Public Works. To the extent indicated herein it is to be considered that the Direction of Elections issued by the Board on January 18, 1963, and especially with respect to Voting Group No. 8 is amended and that the position of garbage collection laborer in the Collection Division shall be conditionally excluded from the eligibles in Voting Group No. 8 and that such position shall be included in the instant voting group.

Employees occupying the position of garbage collection laborer who are actively employed and those who are presently on lay-off, who worked at least six (6) months in the year 1962 as garbage collection laborers, shall be eligible to vote in the garbage collection laborer voting group, which the Board has designated as Voting Group No. 9.

During the course of the hearing representatives of the

Municipal Employer called to the Board's attention that there were other employees employed in the Bureau of Garbage Collection and Disposal which might be affected by the Board's Direction. During the hearing the Board indicated that said positions might very well be included in Voting Group No. 9. However, upon further consideration of the matter, we found that said positions are not employed in the Collection Division but rather in the Office and the Disposal Division. Therefore the instant Direction shall not affect the Account Clerk II and I (except Caplan), Clerk IV, Clerk II-Field (Vorndan) and Clerk Typist II in the General Office of the Bureau nor the Boiler Repairman, Incinerator Plant Maintenance Worker, Maintenance Mechanic, and Maintenance Mechanic Foreman. Said employees shall remain in Voting Group No. 8 and shall be eligible to vote in that group.

Dated at Madison, Wisconsin this 19th day of March, 1963.

WISCONSIN EMPLOYMENT RELATIONS BOARD

By Morris Slavney /s/
Morris Slavney, Chairman

Arvid Anderson /s/
Arvid Anderson, Commissioner