

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS BOARD

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In the Matter of the Petition of :  
CLARK COUNTY HIGHWAY DEPARTMENT :  
EMPLOYEES, LOCAL 546, AFSCME, AFL-CIO : Case I  
Involving Employees of : No. 9007 ME-92  
CLARK COUNTY, WISCONSIN, Employed in : Decision No. 6268  
CLARK COUNTY HIGHWAY DEPARTMENT :  
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Appearances:

Mr. Eugene Doyle, Representative, Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, and Mr. John Bryan, President of Local 546, for the Petitioner.  
Mr. Everett Gorsegger, District Attorney, Mr. Marvin Hemp, Highway Commissioner, Mr. H. R. Baird, Chairman of the Clark County Board and Miss Elaine Krause, County Clerk, 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 Neillsville, Wisconsin, on February 13, 1963, by Neil Gundermann, Examiner; and during the course of the hearing the parties having stipulated to the writ appropriate for collective bargaining; and the Board having considered the evidence and being satisfied that a question has arisen concerning representation for certain employees 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 regular employees of Clark County, Wisconsin, employed in the Clark County Highway Department,

including all seasonal employes, but excluding supervisory employes and confidential clerical employes, who were employed by said Municipal Employer on March 13, 1963, 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 the Clark County Highway Department Employees, Local 546, 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.

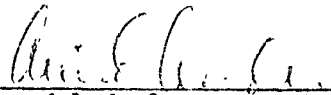
Given under our hands and seal at the City of Madison, Wisconsin, this 13th day of March, 1963.

WISCONSIN EMPLOYMENT RELATIONS BOARD

By



Morris Slavney, Chairman



Arvid Anderson, Commissioner

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MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

During the course of the hearing an issue arose concerning the eligibility of certain employees to vote in the election by reason of their claimed supervisory status. The employees involved were Cullen Ayers, Ted Schoenherr, Clarence Strohkirch, John Subke, Donald Champoux and Frank Matousek.

Testimony elicited during the hearing indicated that Champoux is classified as a timekeeper and during nine months of the year is engaged primarily in making signs. During the other three months he supervises the hauling operation associated with the pump mill plant. At the conclusion of the hearing the parties stipulated that Champoux is an employe eligible to vote in the election.

Matousek, who is the shop foreman at the main shop located in Neillsville, supervises five (5) mechanics and one (1) parts clerk and is responsible for the repair and maintenance of county equipment sent to the Neillsville shop. At the conclusion of the hearing the parties stipulated that Matousek is a supervisor and not eligible to vote in the election by reason of his supervisory status.

The record shows that Ayers is the general foreman at Loyal. His duties and responsibilities include supervising blacktop and asphalt

operations, bridge repair and widening, and snow removal. Ayers is also responsible for two garages located in Loyal. He is engaged almost entirely in supervising others and is classified as an Outside Foreman at a rate of \$1.85 per hour.

The record discloses that Ted Schoenherr is grading foreman during six or seven months of the year. During this period he performs entirely as a supervisor. During the remainder of the year Schoenherr is assigned to supervise other activities, such as stripping top soil or hauling from stock piles. When not acting as grading foreman, Schoenherr spends approximately twenty (20%) per cent of his time performing work of the bargaining unit. He is classified as an Outside Foreman at a rate of \$1.85 per hour. The Board concludes that Schoenherr is a supervisor and not eligible to participate in the election.

Clarence Strohkirch is the general foreman at the Owen shop. During the summer months he supervises construction, and during the rest of the year he is engaged in supervising other projects. Strohkirch is responsible for the garage located in Owen and devotes one-hundred (100%) per cent of his time to supervision. He is classified as an Outside Foreman at a rate of \$1.85 per hour.

John Subke is the foreman of the crushing plant. Subke, on occasion, operates a small crawler tractor and assists in the performance of minor repairs; however, he spends the majority of the time in supervision. Subke is classified as an Outside Foreman and is paid a rate of \$1.85 per hour.

The Board concludes that Ayers, Schoenherr, Strohkirch and Subke perform such supervisory functions so as to exclude them as

eligibles in the collective bargaining unit and therefore they are not to participate in the election.

Dated at the City of Madison, Wisconsin, this 13th day of March, 1963.

WISCONSIN EMPLOYMENT RELATIONS BOARD

By

*Morris Slavney*

Morris Slavney, Chairman

*Arvid Anderson*

Arvid Anderson, Commissioner