

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS BOARD

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In the Matter of the Petition of	:	
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TECHNICIANS, ENGINEERS, AND	:	
ARCHITECTS OF MILWAUKEE	:	
	:	Case VI
To Include Certain Classifications	:	No. 8633 ME-21
in the Engineering and Architectural	:	Decision No. 6960-C
Employes Collective Bargaining Unit	:	
Consisting of Certain Employes of	:	
	:	
CITY OF MILWAUKEE	:	
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ORDER DISMISSING PETITION

Technicians, Engineers and Architects of Milwaukee having filed a petition with the Wisconsin Employment Relations Board to include the classifications of Instrument Technician I and II in the Water Department of the Department of Public Works in the collective bargaining unit reflected in the Certification of Representatives issued by the Board on May 24, 1965, wherein said employe organization was certified as having been selected by a majority of the eligible employes of the City of Milwaukee in the collective bargaining unit consisting of all regular professional engineering and architectural employes, including Engineering Technicians IV, V and VI, in the employ of the City of Milwaukee, as their representative; and the Board having conducted a hearing on said petition at Milwaukee, Wisconsin on May 2, 1966, Examiner Kenneth R. Loebel being present; and the Board having considered the evidence arguments of Counsel, and being fully advised in the premises, and being satisfied that the classifications of Instrument Technician I and II do not require such skill and training so as to warrant the inclusion of said classifications in the unit of professional employes previously certified by the Board on May 24, 1965;

NOW, THEREFORE, it is

ORDERED

That the petition filed in the above entitled matter be, and the same hereby is, dismissed.

Given under our hands and seal at the City of Madison, Wisconsin, this 15<sup>th</sup> day of July, 1966.

WISCONSIN EMPLOYMENT RELATIONS BOARD

By Morris Slavney  
Morris Slavney, Chairman

Arvid Anderson  
Arvid Anderson, Commissioner

Zel S. Rice II  
Zel S. Rice II, Commissioner

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MEMORANDUM ACCOMPANYING ORDER DISMISSING PETITION

On April 2, 1962, District Council 48 filed a petition relating, among other things, to certain employes in the various bureaus of the Department of Public Works of the City of Milwaukee. On April 7, 1962, Technicians, Engineers and Architects of Milwaukee, which was then known as the Association of Graduate and Registered Engineers of Milwaukee, filed a petition relating to "all graduate and registered engineers and architects employed by the City of Milwaukee." On January 18, 1963, the Board issued a Direction of Elections involving various units in the City of Milwaukee (City of Milwaukee, Decision No. 6215, 1/63). In the Notice of Elections which was issued by the Board following the Direction, the classification of Instrument Technician employed in the Pumping Division of the Water Department was listed as being in the over-all Department of Public Works bargaining unit and eligible to vote.

During the course of the hearing on the instant petition it was disclosed that the Instrument Technician position, while in existence on January 1, 1963, was not filled by any employe until some time in April of that year. The election in the overall Department of Public Works unit occurred on March 27 and 28, 1963, and on those dates the Instrument Technician position was vacant. Following the election in the overall Department of Public Works voting group, Milwaukee District Council 48, AFSCME (and its appropriate locals) was certified as the exclusive bargaining representative for all regular employes employed

in the various bureaus in the Department of Public Works, excluding, among others, engineers and architects employed in the various bureaus and departments of the City.

On December 28, 1964 after a petition had been filed by the predecessor of TEAM, the Board issued a Direction of Election, wherein it ordered an election among all regular professional engineering and architectural employes, including Engineering Technicians IV, V and VI, in the employ of the City of Milwaukee, excluding all other employes. The Instrument Technician position was not included among the positions in said bargaining unit.

After TEAM had been certified as the bargaining representative of all professional engineers and architectural employes, including the Engineering Technician IV, V and VI, the City of Milwaukee eliminated the classification of Instrument Technician, and created three different classifications; namely, Instrument Technician Trainee, Instrument Technician I and Instrument Technician II.

TEAM contends that the Instrument Technician I and II are professional positions and, further, that the employes occupying such classifications have indicated a desire to be represented by TEAM. District Council 48, AFSCME, contends that all three Instrument Technician positions are properly in the bargaining unit consisting of the overall Department of Public Works employes. The City's position corresponds with that of District Council 48.

The Board has examined the job descriptions furnished by the City with respect to the positions in question, and it concludes that the requirements of said positions are not such that would warrant a finding that the positions require such skill and training which would constitute the incumbents thereof as professional engineers or architects, or that said positions require a sufficient degree of "professional" experience so as to include them in the professional unit. The mere fact that the employes occupying the Instrument Technician I and II positions have indicated a desire to be represented by TEAM, does not deprive them of their right under the statute to be represented by an organization of their own choosing since such representation must be in an appropriate collective bargaining unit. Section 111.70 requires that employes engaged in a single craft must constitute a separate and distinct collective bargaining unit. The Board has equated the same requirements for professional employes.<sup>1/</sup>

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<sup>1/</sup> Winnebago County Hospital, Decision No. 6043, 7/62.

Since we are satisfied that the positions in question are not professional, they cannot be included in the professional unit presently represented by TEAM. Therefore, the Instrument Technician Trainee, Instrument Technician I and the Instrument Technician II are properly included in the overall Department of Public Works collective bargaining unit presently represented by District Council 48, AFSCME and its appropriate locals.

Dated at Madison, Wisconsin, this 15<sup>th</sup> day of July, 1966.

WISCONSIN EMPLOYMENT RELATIONS BOARD

By Morris Slavney  
Morris Slavney, Chairman

Arvid Anderson  
Arvid Anderson, Commissioner

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Zel S. Rice II, Commissioner