

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS BOARD

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In the matter of the Petition of	:	
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MILWAUKEE DISTRICT COUNCIL 48, AFSCME,	:	Case XXXI
AFL-CIO, and its affiliated Local,	:	No. 9979 ME-162
LOCAL 1203	:	Decision No. 7310
	:	
Involving Employes of	:	
	:	
THE BUREAU OF GARBAGE COLLECTION AND	:	
DISPOSAL OF THE CITY OF MILWAUKEE	:	
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DIRECTION OF ELECTION

Milwaukee District Council 48, American Federation of State, County, and Municipal Employees, AFL-CIO, and its Local 1203, having on November 2, 1964 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 Bureau of Garbage Collection and Disposal of the City of Milwaukee, hereinafter referred to as the Municipal Employer; and a hearing on such petition having been conducted at Milwaukee, Wisconsin on December 1, 1964, and October 1, 1965, the full Board being present on the first date of the hearing, and Chairman Morris Slavney and Commissioner Zel S. Rice II being present on the second date of the hearing; and during the course of said hearing, the City of Milwaukee Garbage Collection Laborers Independent Local Union having been permitted to intervene in said proceeding, on the basis that it was the certified collective bargaining representative of 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; and further, during the course of said hearing, it having been established that said Independent Labor Organization is now known as Public Employees Union No. 61 affiliated with the Laborers International Union of America, AFL-CIO, CLC; and the Board having considered the evidence and arguments of Counsel, and being satisfied that a question has arisen concerning representation for 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;


NOW, THEREFORE, it is


DIRECTED

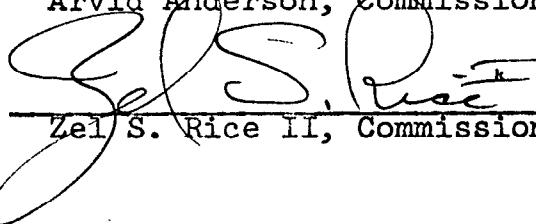
That an election by secret ballot shall be conducted under the direction of the Wisconsin Employment Relations Board on October 18 and 19, 1965, in the collective bargaining unit consisting of all regular employes having the classification of garbage collection laborer in the Collection Division of the 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 October 2, 1965, 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 the employes voting in said election desire to be represented by Milwaukee District Council 48, AFSCME, AFL-CIO, and its Local 1203, or by Public Employees Union No. 61 affiliated with the Laborers International Union of America, AFL-CIO, CLC, or by neither of said organizations, 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 8th day of October, 1965.

WISCONSIN EMPLOYMENT RELATIONS BOARD

By 
Morris Slavney, Chairman


Arvid Anderson, Commissioner


Zel S. Rice II, Commissioner

STATE OF WISCONSIN

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	:	
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MEMORANDUM ACCOMPANYING
DIRECTION OF ELECTION

Milwaukee District Council 48, AFSCME, AFL-CIO, and its Local 1203, hereinafter referred to jointly as the Petitioner, filed a petition requesting the Board to conduct an election among "all garbage collectors and disposal laborers employed in the Bureau of Garbage Collection, City of Milwaukee." The employes covered by said petition had been previously involved in an election proceeding conducted by the Board in the spring of 1963.^{1/} In that proceeding, which had been initiated by the City of Milwaukee Garbage Collection Laborers Independent Local Union, hereinafter referred to as the Independent, the Board directed an election among garbage collection laborers employed in the Collection Division of said Bureau. The Petitioner herein was also involved in that proceeding and on March 27 and 28, 1963, the Board conducted an election in the matter. The eligible employes therein voted to establish themselves as a unit separate and apart from any other employes of the City of Milwaukee and the employes also selected the Independent as their collective bargaining representative. The Board issued its certification of the results on May 30, 1963. The Petitioner appealed such certification through the Wisconsin Supreme Court which, on March 31, 1964, sustained the Board's certification. Following the certification, the representatives of the City of

1/ City of Milwaukee, Case XVIII, Dec. No. 6253, 3/63.

Milwaukee honored the certification issued by the Board.

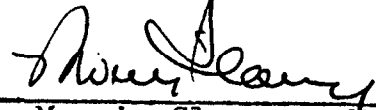
The first hearing on the instant petition was conducted almost a year ago, and on that date the Petitioner contended that the Board should direct an immediate election inasmuch as one full year had expired from the date of the Board's certification. The Independent opposed an election at that time on the basis that because of the appeal of the certification and other matters, the Independent had been bargaining with the Municipal Employer "under a cloud," and that it should have free and unhampered representation of one full year from the date of the Supreme Court's decision. Following the original certification, the Independent, as well as other labor organizations representing other employes of the City of Milwaukee, proceeded to fact finding with representatives of the City on the matters of wages, hours and conditions of employment affecting employes represented by the various labor organizations. In November, 1964, the fact finding panel concluded its hearings and as of the first date of the instant hearing, the fact finding panel had issued portions of its recommendations, which included recommendations for the year 1965. At the close of the first session of the hearing, the parties were advised that all of these factors would be taken into consideration by the Board in determining whether it would issue a Direction. The Board held the matter in abeyance and reopened the hearing at the request of the Petitioner. Such reopened hearing was conducted on October 1, 1965. During the course of the hearing on the latter date, evidence disclosed that the Independent is now known as Public Employees Union No. 61, affiliated with the Laborers International Union of America, AFL-CIO, CLC, hereinafter referred to as Local 61. Local 61 withdrew its opposition with respect to an election and urged the Board to proceed to conduct the election as expeditiously as possible because of the fact that the date upon which the Municipal Employer must reach its final determination on budgetary matters was quickly approaching. The Petitioner, during the second day of the hearing, moved to amend its petition to expand the presently existing unit, consisting of garbage collection laborers, to also include all otherwise eligible employes in the Bureau of Garbage Collection and Disposal. As a result of the election conducted by the Board in the Spring of 1963, three units were established in the Bureau of Garbage Collection and Disposal.


One consisting of garbage collection laborers who are employed in the Collection Division, the second, consisting of employes employed in the Disposal Division, who are presently represented by Local 125-B, International Brotherhood of Firemen & Oilers, AFL-CIO, which organization was certified as a result of an election conducted by the Board in the Spring of 1963, and clerical employes employed in the General Office who are represented by the Petitioner and who are part of the over-all city-wide collective bargaining unit.

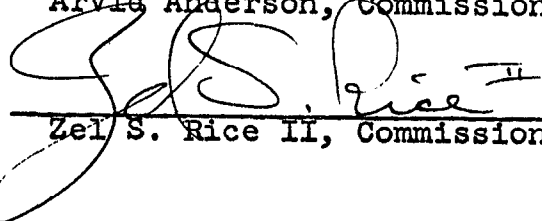
Under such circumstances, the Board denies the motion of the Petitioner to enlarge the presently existing unit of garbage collection laborers. Since the unit has been previously established, it shall remain, for the purposes of this proceeding, as originally established.

Dated at Madison, Wisconsin, this 8th day of October, 1965.

WISCONSIN EMPLOYMENT RELATIONS BOARD

By 
Morris Slavney, Chairman


Arvid Anderson, Commissioner


Zel S. Rice II, Commissioner