#### STATE OF WISCONSIN

## BEFORE THE WISCONSIN EMPLOYMENT RELATIONS BOARD

In the Matter of

GENERAL DRIVERS AND DAIRY EMPLOYEES UNION, LOCAL NO. 563

and

CITY OF APPLETON (Department of Public Works)

Case VIII No. 10725 DR-2 Decision No. 7405

General Drivers & Dairy Employees Union, Local No. 563, by Robert Schlieve, its Secretary and Treasurer, and the City of Appleton by Max Hensel, Chairman of the Personnel Committee, in writing, jointly requested the Board to render a decision as to whether Bridgetenders in the employ of the Maintenance Division of the Department of Public Works of the City of Appleton, are included in the collective bargaining unit, consisting of employes of the Street, Sanitation and Maintenance Division of the Department of Public Works of the City of Appleton, excluding Supervisors, Professional and Managerial Foremen, Superintendents and Clerical Personnel. The parties waived hearing in the matter, and submitted certain documentary evidence for the Board's consideration; and the Board having considered the Stipulation of the parties and the evidence submitted by them, and being fully advised in the premises, makes and issues the following;

## DECLARATORY RULING

That the Bridgetenders employed in the Maintenance Division of the Department of Public Works of the City of Appleton, are included in the collective bargaining unit consisting of employes of the Street, Sanitation and Maintenance Division of the Department of Public Works of the City of Appleton, excluding Supervisors, Professional and Managerial Foremen, Superintendents and Clerical Personnel, and

That General Drivers and Dairy Employees Union, Local No. 563 is the collective bargaining representative for said Bridgetenders.

Given under our hands and seal at the City of Madison, Wisconsin, this 8th day of March, 1966.

WISCONSIN EMPLOYMENT RELATIONS BOARD

Morris Slavney, Chairman

Anderson,

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Zel S. Rice II, Commissioner

Commissioner

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# MEMORANDUM ACCOMPANYING DECLARATORY RULING

The Union on February 28, 1966, in a letter to the Board, requested an opinion as to whether Bridgetenders were included in the collective bargaining unit for which the Union has been recognized by the City of Appleton as the exclusive collective bargaining representative. Following an exchange of correspondence between the Board and representatives of the parties, the parties, on March 3, 1966, jointly requested the Board to issue an opinion on the matter based on the information previously furnished the Board.

The collective bargaining agreement presently existing between the parties, covers wages, hours and conditions of employment of "employes of the Street, Sanitation and Maintenance Division of the Department of Public Works". The job classification and compensation schedule attached to the agreement does not include any provisions for the Bridgetenders. Such classification is not specifically listed among the exclusions to the bargaining unit. The wages and conditions of employment of the Bridgetenders were not discussed during negotiations through the inadvertance on the part of the negotiators, and the Union was not aware of the oversight with regard thereto until the consummation of the collective bargaining agreement. Of the six employes presently occupying this classification, five are members of the Union. Since the Bridgetenders are employed in the Maintenance Division, and

since they were not specifically excluded from the bargaining unit, it is our opinion that they are within the bargaining unit, and that the Union represents said employes as part of the recognized appropriate unit, for the purposes of collective bargaining.

Dated at Madison, Wisconsin, this 8th day of March, 1966.

WISCONSIN EMPLOYMENT RELATIONS BOARD

Morris Slavney, Chairman

Anderson, Commissioner

S. Rice II, Commissioner