

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS BOARD

In the Matter of the Petition of
APPLETON MUNICIPAL EMPLOYEES UNION,
LOCAL 73, WISCONSIN COUNCIL OF COUNTY
AND MUNICIPAL EMPLOYEES, AFSCME,
AFL-CIO

Involving Employes of
CITY OF APPLETON Employed in the
SEWERAGE DIVISION of the DEPARTMENT
OF PUBLIC WORKS

Case VI
No. 10454 ME-208
Decision No. 7423

CERTIFICATION OF BARGAINING UNIT AND REPRESENTATIVES

Pursuant to a Direction of Elections, based upon a hearing, made by the Wisconsin Employment Relations Board in the above entitled case, the Board, pursuant to Section 111.70 of the Wisconsin Statutes, conducted two elections at Appleton, Wisconsin, on February 9, 1966, for the purpose of determining whether or not a majority of the employes eligible to vote desired that all regular employes of the City of Appleton employed in the Sewerage Division of the Department of Public Works, excluding craft employes, professional employes, confidential employes, supervisors and department heads, constitute a collective bargaining unit separate and apart from any other employes of the City of Appleton, and whether a majority of the eligible employes voting desired to be represented by Appleton Municipal Employees Union, Local 73, Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, or by General Drivers & Dairy Employees Local 563, International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America, or by neither of such organizations, for the purposes of conferences and negotiations with the City of Appleton on questions of wages, hours and conditions of employment.

The results of the elections were as follows:

No. 7423

COLLECTIVE BARGAINING UNIT VOTE

1. Total number claimed eligible to vote.....	15
2. Total ballots cast.....	15
3. Total ballots challenged.....	5
4. Total valid ballots counted.....	10
5. Ballots cast in favor of a separate unit.....	10
6. Ballots cast against a separate unit.....	0

BARGAINING REPRESENTATIVES

1. Total number claimed eligible to vote.....	15
2. Total ballots cast.....	15
3. Total ballots challenged.....	5
4. Total valid ballots counted.....	10
5. Ballots cast for Appleton Municipal Employees Union, Local 73, Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO.....	10
6. Ballots cast for General Drivers & Dairy Employees Local 563, International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America.....	0
7. Ballots cast for neither.....	0

That since the number of challenged ballots does not affect the results of either the vote on the collective bargaining unit or on the selection of the bargaining representative, the Board shall not determine said challenges, and orders that the challenged ballots remain sealed.

NOW, THEREFORE, by virtue of and pursuant to the power vested in the Wisconsin Employment Relations Board by Section 111.70 of the Wisconsin Statutes;

IT IS HEREBY CERTIFIED that a majority of all regular employees of the City of Appleton employed in the Sewerage Division of the Department of Public Works, excluding craft employees, professional employees, confidential employees, supervisors and department heads, voted in favor of constituting themselves a separate collective bargaining unit, and that such group constitutes an appropriate collective bargaining unit;

IT IS FURTHER CERTIFIED that Appleton Municipal Employees Union, Local 73, Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO has been selected by a majority of the eligible employees of

the City of Appleton who voted in said collective bargaining unit, as their representative; and that pursuant to the provisions of Section 111.70, Wisconsin Statutes, said Union is the exclusive collective bargaining representative of all such employees for the purposes of conferences and negotiations with the above named Municipal Employer, or its lawfully authorized representative, on questions of wages, hours and conditions of employment.

Given under our hands and seal at the City of Madison, Wisconsin, this 22nd day of February, 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

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS BOARD

-----:
In the Matter of the Petition of
APPLETON MUNICIPAL EMPLOYEES UNION,
LOCAL 73, WISCONSIN COUNCIL OF COUNTY
AND MUNICIPAL EMPLOYEES, AFSCME,
AFL-CIO

Case VI
No. 10454 ME-208
Decision No. 7423

Involving Employees of
CITY OF APPLETON Employed in the
SEWERAGE DIVISION of the DEPARTMENT
OF PUBLIC WORKS
-----:

MEMORANDUM ACCOMPANYING CERTIFICATION OF BARGAINING
UNIT AND REPRESENTATIVES

During the conduct of the elections, General Drivers & Dairy Employees Local 563 challenged the eligibility of Ben Coonen, Louis Kalwitz, Jr., and Donald Rusch, all employed as Laborer 2, Sewer Maintenance, and also the eligibility of Louis Kalwitz and George Wisnet, employed as Equipment Operator, Sewer Maintenance, and Mechanic 2, respectively. During the conduct of the balloting, said labor organization also attempted to challenge the ballots of five employees occupying the classification of Operator 1, Sewage Plant and one employee occupying the classification of Laboratory Technician. The agent of the Board who conducted the balloting refused to accept such challenges.

As indicated in the Certification, since the challenged ballots did not affect the results in either of the elections, the challenged ballots are to remain sealed. However, the Board deems it necessary to make a determination with respect to whether the classifications of Laborer 2, Sewer Maintenance; Equipment Operator, Sewer Maintenance; and Mechanic 2 are to be included in the certified collective bargaining unit.

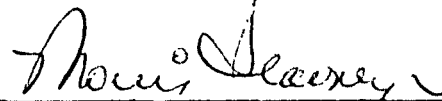
Prior to such a determination, we wish to comment on the refusal of the Board's agent to accept the additional six challenges. We hereby affirm the Board agent's action in said regard.

During the course of the hearing on the petition where all parties had an opportunity to raise any issue with regard to eligibility and to produce evidence necessary for the determination of such issues, the only issue raised with respect to eligibles was whether the Chief Operator was a supervisory employe, and whether the Laboratory Technician was a technical and confidential employe. In its Memorandum accompanying the Direction, the Board indicated that the Chief Operator was to be excluded as a supervisor, and that the Laboratory Technician was to be included among the eligibles since she was neither a craft nor a confidential employe. During the course of the hearing, no claim was made by any of the parties that any of the remaining classifications were craft employes. General Drivers & Dairy Employees Local 563, in its brief, filed after the conduct of the hearing, made no claim, other than with respect to the Chief Operator and the Laboratory Technician, that any other employe classifications should be excluded from the voting group or unit involved herein. Under such circumstances, and in light of the entire record, we conclude that the classifications of Laborer 2, Sewer Maintenance; Equipment Operator, Sewer Maintenance; Mechanic 2; Operator 1, Sewage Plant; and Laboratory Technician are classifications to be included in the certified collective bargaining unit.

Dated at Madison, Wisconsin, this 22nd day of February, 1966.

WISCONSIN EMPLOYMENT RELATIONS BOARD

By



Morris Slavney, Chairman



Arvid Anderson, Commissioner



Zel S. Rice II, Commissioner