

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS BOARD

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In the Matter of the Joint Petition of :
MILWAUKEE DISTRICT COUNCIL NO. 48, :
AFSCME, AFL-CIO, and its appropriate :
affiliated Locals, and INTERNATIONAL :
UNION OF OPERATING ENGINEERS, LOCAL : Case XXX
139, AFL-CIO : No. 9819 ME-157
Involving Certain Employees of : Decision No. 7432
CITY OF MILWAUKEE :
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DIRECTION OF ELECTION

Milwaukee District Council No. 48, AFSCME, AFL-CIO (and its appropriate affiliated Locals) and International Union of Operating Engineers, Local 139, AFL-CIO, having jointly petitioned the Wisconsin Employment Relations Board to conduct an election, pursuant to Section 111.70 of the Wisconsin Statutes, among certain employees of the City of Milwaukee employed in the Bureau of Municipal Equipment of the Department of Public Works; and hearing on such petition having been conducted at Milwaukee, Wisconsin, before Kenneth R. Loebel, Examiner; and the Board having considered the evidence and arguments of the parties, and being satisfied that a question has arisen concerning representation for certain employees of the City of Milwaukee;

NOW, THEREFORE, it is


DIRECTED

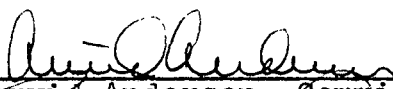
That an election by secret ballot shall be conducted under the direction of the Wisconsin Employment Relations Board within sixty (60) days from the date of this Directive among all regular employees employed by the City of Milwaukee in its various departments and divisions who are classified as Trench Machine Operator, Clamshell Operator, Crane Operator, Hoist Operator, Hydraulic Hammer Operator, Roller Engineman, Engineman (Asphalt Plant), Roller Repairman, Tractor Operator, Bulldozer Operator, and End Loader (over 40 h.p.), and Tractor Operator, Bulldozer Operator (under 40 h.p.), excluding all other employees, supervisors and department heads, who were

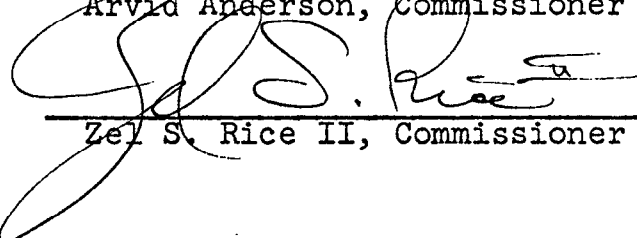
employed by the City of Milwaukee on January 10, 1966, except such employees as may prior to the election quit their employment or be discharged for cause, for the purpose of determining whether a majority of such employees desire to be represented jointly by Milwaukee District Council No. 48, AFSCME, AFL-CIO (and its appropriate affiliated Locals) and International Union of Operating Engineers, Local 139, AFL-CIO, for the purpose of conferences and negotiations with the City of Milwaukee on questions concerning wages, hours and conditions of employment.

Given under our hands and seal at the City of Madison, Wisconsin, this 10th day of January, 1966.

WISCONSIN EMPLOYMENT RELATIONS BOARD

By 
Morris Slavney, Chairman


Arvid Anderson, Commissioner


Zel S. Rice II, Commissioner

STATE OF WISCONSIN

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MILWAUKEE DISTRICT COUNCIL NO. 48,
AFSCME, AFL-CIO, and its appropriate
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139, AFL-CIO

Involving Certain Employees of

CITY OF MILWAUKEE

Case XXX
No. 9819 ME-157
Decision No. 7432

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

Milwaukee District Council No. 48, AFSCME, AFL-CIO (and its appropriate affiliated Locals) and International Union of Operating Engineers, Local 139, AFL-CIO, jointly filed a petition requesting the Board to conduct an election, pursuant to Section 111.70 of the Wisconsin Statutes, among all employees employed in the Bureau of Municipal Equipment in the Department of Public Works of the City of Milwaukee, who operate heavy duty equipment. Said employees have been considered by the parties as "craft" employees and the Board has so considered them in the previous election conducted by it among employees in the Department of Public Works of the City of Milwaukee^{1/} and since they were craft employees, they were excluded from the over-all unit, as required by Section 111.70(4)(d), which requires that craft employees cannot be included with a unit of other employees. The so-called heavy duty equipment operators in the Bureau of Municipal Equipment, in the Department of Public Works, considered to be craft employees are as follows:

Trench Machine Operator	Roller Repairman
Clamshell Operator	Tractor Operator, Bulldozer Operator,
Crane Operator	and End Loader (over 40 h.p.)
Hoist Operator	Tractor Operator, Bulldozer
Hydraulic Hammer Operator	Operator (under 40 h.p.)
Roller Engineman	

The joint Petitioners would limit the craft unit to the employees

^{1/} (6215-J), 5/63.

occupying these classifications in the Bureau of Municipal Equipment only. The Municipal Employer contends that all of its employes, regardless of the bureau or division in which they are employed, who are engaged in the same craft, should be included in the craft unit. These additional classifications are Crane Operators, who are employed in the Harbor Commission, which is a department of the Municipal Employer separate and apart from the Department of Public Works. The Municipal Employer would also include in said craft unit the classification of Engineman (Asphalt Plant) employed in the Street Maintenance Division of the Bureau of Street and Sewer Maintenance in the Department of Public Works.

The Petitioners seek a craft unit of those employes engaged in a single craft in a particular division or department of the Municipal Employer, and would thus fragmentize the employes engaged in a similar craft into three possible units consisting of (1) those craft employes in the Bureau of Municipal Equipment, (2) those employes in the Harbor Commission, and (3) those employes in the Street Maintenance Division of the Bureau of Street and Sewer Maintenance.

The criteria for the establishment of collective bargaining units in municipal employment are set forth in Section 111.02(6) of the Wisconsin Employment Peace Act which provides, in part, that "employes engaged in a single craft" may constitute an appropriate unit. Section 111.70(4)(d) specifically establishes the single craft employes in a separate unit. To grant the Petitioners their request would constitute a fragmentation of collective bargaining units not contemplated in the public employee-employer labor relations statute. The Board was faced with a similar issue in Madison Joint School District No. 8^{2/} where a request was made that the Board conduct separate unit votes among teachers employed in each school of the school district involved. The Board denied such request, finding that although the teachers were employed at separate locations and under separate immediate supervision, their functions were identical.

To create a separate unit of craft employes in the Bureau of Municipal Equipment would create units based on the extent of

2/ (6746) 5/64.

organization rather than on the statutory criteria. Therefore, we shall include the "heavy equipment operator" classifications in the Bureau of Street and Sewer Maintenance and the Harbor Commission with those craft classifications employed in the Bureau of Municipal Equipment in a single craft unit.

Dated at Madison, Wisconsin, this 10th day of January, 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