

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

FOND DU LAC COUNTY  
(HIGHWAY DEPARTMENT)

Case III  
No. 10951 ME-261  
Decision No. 7677-A

Mr. James Koch, Staff Representative, Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, 151 S., Box 234, Route 5, Fond du Lac, Wisconsin, appearing on behalf of the Petitioner.

Mr. Richard Celichowski, Administrative Assistant, City-County Government Center, 160 South Macy Street, Fond du Lac, Wisconsin, appearing on behalf of Fond du Lac County.

Fond du Lac County Highway Department Union Local 1366B, AFSCME, AFL-CIO, having, on July 22, 1981 filed a petition requesting the Wisconsin Employment Relations Commission to clarify an existing certified bargaining unit of certain employees of the Fond du Lac County Highway Department to determine whether the positions of Stockroom Attendant and Storekeeper/Shop Records Assistant should be included in said unit; and hearing in the matter having been held on October 2, 1981 at Fond du Lac, Wisconsin before Hearing Examiner Edmond J. Bielarczyk, Jr., a member of the Commission's staff; and a transcript of the proceedings having been prepared; and post-hearing briefs having been submitted by the parties and exchanged by the Hearing Examiner on December 11, 1981; and the Commission having considered the evidence and arguments of the parties, and being fully advised of the premises, makes and issues the following

1. That Fond du Lac County Highway Department Union Local 1366B, AFSCME, AFL-CIO, hereinafter referred to as the Union, is a labor organization representing employees for the purposes of collective bargaining, and has its offices at 151 S., Box 234, Route 5, Fond du Lac, Wisconsin 54935.

2. That Fond du Lac County, hereinafter referred to as the County, is a municipal employer, and has its principal offices at 160 South Macy Street, Fond du Lac, Wisconsin 54935; and that among its functions the County maintains and operates a Highway Department, which has its main offices at the site identified as the Fond du Lac County Highway Garage.

3. That following an election conducted by it, the Wisconsin Employment Relations Commission, on September 6, 1966, certified the Union as the exclusive collective bargaining representative of all regular full-time and regular part-time employees of the Highway Department, excluding the Superintendent, Assistant Superintendent, seasonal employees, office clerical employees and supervisors.

4. That at all times material thereafter the Union and the County have entered into successive collective bargaining agreements covering the wages, hours and working conditions of the employees in said certified collective bargaining unit; and that said employees occupied various classifications and labor grades in the 1981 collective bargaining agreement as follows:

Grade II

Building Custodian  
General Worker  
Gravel Checker  
Watchman

Grade III

Engineer Aide I  
Fuel Delivery Driver  
Mobile Worker  
Mower Operator

Grade IV

Air Compressor Operator  
Back Hoe Operator  
Bituminous Hand Finisher  
Chip Spreader Operator  
Engineer Aide II  
Large End Loader (General)  
Motor Grader Operator (General)  
Oil Heating Operator  
Patrolman  
Roller Operator (General)  
Rotary Plow Operator  
Rotary Wing Operator  
Shoulder Operator  
Sign Painter/Painter I  
Stump Cutter Operator  
Truck Driver  
V-Plow Operator

Grade V

Barber Greene Loader Operator  
Bituminous Distributor Driver  
Bituminous Distributor Operator

Grade VI

Bituminous & Gravel End  
Loader Operator  
Bituminous Pug Mill Operator  
Bituminous Roller Operator  
4 in 1 Operator  
Gradall Operator  
Heavy Duty Repair Worker  
Motor Grader Operator (Bit. & New  
Construction)  
Tire Man  
Sign Painter/Painter II

Grade VII

Automotive Service Technician  
Bituminous Machine Finisher  
Bituminous Paver Operator  
Crusher-Bulldozer Operator  
Engineer Aide III  
Shovel Operator  
Stationary Bituminous Plant  
Operator

Grade VIII

Mechanic  
Welder

5. That during the summer of 1981 the County established two new classifications assigned to the Highway Department, namely the Stockroom Attendant, and the Storekeeper/Shop Records Assistant; that the Union initiated the instant proceeding, wherein it has requested the Wisconsin Employment Relations Commission to determine whether the position should be included in the bargaining unit represented by it; that during the course of the hearing herein the Union amended its petition to delete any reference to the Stockroom Attendant; that the County, contrary to the Union, would exclude the Storekeeper/Shop Records Assistant, hereinafter referred to as the Storekeeper, from the unit on the claim that the duties performed by the occupant of said position are clerical, rather than "blue collar" in nature.

6. That the Storekeeper occupies office space in the Highway Department's main garage and spends a majority of his time maintaining files, scheduling vehicles for maintenance and mechanical repairs, preparing orders for parts and minor equipment, receiving and inspecting incoming parts and such equipment, picking up parts from local distributors, picking up and delivering mail from and to the post office, as well as to and from other County offices, manning the office phone and transfers same when necessary to the Shop Superintendent; and that the Storekeeper, on limited occasions may assist mechanics in checking out their repairs, such as depressing brake pedals in order that the mechanic can determine whether such brake repairs have been properly made.

Upon the basis of the above and foregoing Findings of Fact, the Commission makes and enters the following

CONCLUSION OF LAW

1. That since the duties of the position of Storekeeper/Shop Records Assistant in the Highway Department of Fond du Lac County require that the occupant spend the majority of his time in the performance of clerical rather than

"blue collar" duties, said position is excluded from the collective bargaining unit represented by Fond du Lac County Highway Department Union Local 1366B, AFSCME, AFL-CIO.

Upon the basis of the above and foregoing Findings of Fact and Conclusion of Law, the Commission makes and enters the following

ORDER CLARIFYING BARGAINING UNIT

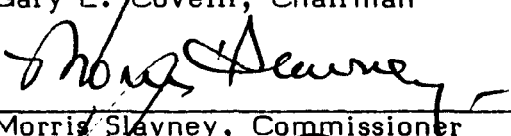
That the position of Storekeeper/Shop Records Assistant is excluded from the collective bargaining unit consisting of all regular full-time and regular part-time employees employed in the Highway Department of Fond du Lac County, excluding the Superintendent, supervisors, seasonal employees and office clerical employees, which unit is represented for the purposes of collective bargaining by Fond du Lac County Highway Department Union Local 1366B, AFSCME, AFL-CIO.


Given under our hands and seal at the City of Madison, Wisconsin this 17<sup>th</sup> day of March, 1982.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
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Gary L. Covelli, Chairman

  
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Morris Slavney, Commissioner

  
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Herman Torosian, Commissioner