

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

DISTRICT COUNCIL #48, AFSCME, AFL-CIO
AND ITS AFFILIATED LOCAL 133

Involving Certain Employees of

CITY OF ST. FRANCIS

Case II
No. 11069 ME-271
Decision No. 7825-A

Appearances:

Mr. Erv Horak, Staff Representative, for Petitioner.

Mr. Harwood H. Staats, City Attorney, for the Municipal Employer.

ORDER AMENDING CERTIFICATION

District Council #48, AFSCME, AFL-CIO, and its affiliated Local 133, herein collectively referred to as Petitioner, having filed a petition with the Wisconsin Employment Relations Commission on May 28, 1976. wherein it requested the clarification of the bargaining unit described below with respect to certain positions employed by the City of St. Francis, herein referred to as the Municipal Employer; and hearing on said petition having been conducted March 22, 1977, at St. Francis, Wisconsin, Stanley H. Michelstetter II, Examiner, having been present; and the Commission having considered the evidence and arguments of the parties and being fully advised in the premises;

NOW, THEREFORE, it is

ORDERED

That the collective bargaining unit, previously certified by the Wisconsin Employment Relations Commission on January 18, 1967, ^{1/} consisting of all employees of said Municipal Employer employed in the Highway Department, including all utility and equipment operators, full-time laborers, acting highway foremen, mechanic, building custodian, clerk typists, payroll records clerk, general clerical, stenographer and part-time clerical employees, and excluding all other employees of said Municipal Employer, be amended to include C.E.T.A. dispatcher, clerk-typist-dispatcher, C.E.T.A. engineering aide, engineering aide, and therefore, that the amended certified unit be;

"All employees of said Municipal Employer employed in the Highway Department, including all utility and equipment operators, full-time laborers, acting highway foremen, mechanic, building custodian, clerk typists, payroll records clerk, general clerical, stenographer, C.E.T.A. dispatcher, clerk-typist-dispatcher, C.E.T.A. engineering aide, engineering aide and part-time clerical employees, and excluding all other employees of said Municipal Employer.

Given under our hands and seal at the
City of Madison, Wisconsin, this 14th
day of June, 1977.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Morris Slavney
Morris Slavney, Chairman

Herman Torosian
Herman Torosian, Commissioner

Charles D. Hoornstra
Charles D. Hoornstra, Commissioner

1/ All regular full-time and all regular part-time employees of the City of St. Francis, excluding police, fire, craft, professional, supervisory, managerial and confidential personnel. No. 7825-A

MEMORANDUM ACCOMPANYING ORDER AMENDING CERTIFICATION

On January 18, 1967, the Commission certified the instant Petitioner as the representative of a bargaining unit which in fact consisted of all of the employees of the Municipal Employer (as defined by the Municipal Employment Relations Act and its predecessor) except professional, 2/ craft, police and firefighters. At the time of certification there were no regular part-time employees. 3/ In 1973, the Municipal Employer first established a full-time clerk-typist-dispatcher position in the police department, which has never been included in the instant unit. The Municipal Employer recently created C.E.T.A. funded positions.

On May 28, 1976, Petitioner filed its petition seeking inclusion of the C.E.T.A. funded engineering aide, police radio dispatchers and laborer positions. 4/ During the hearing the examiner announced his intention to take evidence with respect to the relationship to, and possible inclusion in, the instant unit of the clerk-typist-dispatcher and engineering aide. 5/ Petitioner then took the position it wished to amend its petition to seek the inclusion of the foregoing. The Municipal Employer objected to any expansion of the certified unit on the basis of the original narrow certification. It further alleges expansion denies the individual employees a right of self-determination.

On the basis of the instant record, there can be little doubt that both the C.E.T.A. funded dispatcher and the clerk-typist-dispatcher perform duties which are "clerical", as the term is used in the January 1967 certification. Further, both positions share a close community of interest with fellow clericals. We find no merit to the Municipal Employer's contention that the instant certification was intended to only cover classifications then in existence and not newly created classifications.

The C.E.T.A. engineering aide and engineering aide positions have a substantial community of interest with one another. Neither the newly created C.E.T.A. position nor the engineering aide, as it has developed since 1967 constitute professional positions as now defined by Section 111.70(1)(1), Stats. Section 111.70(4)(d)2.a., Stats., now requires us to "... wherever possible avoid fragmentation by maintaining as few units as practicable in keeping with the size of the municipal work force. . . ." Under the instant circumstances we find both positions are also appropriately included in the existing unit.

Dated at Madison, Wisconsin, this 14th day of June, 1977.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Morris Slavney
Morris Slavney, Chairman

Herman Torosian
Herman Torosian, Commissioner

Charles D. Hoornstra
Charles D. Hoornstra, Commissioner

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- 2/ Transcript election case page 3 contemplates inclusion of regular part-time employees.
- 3/ Including the three employees of the engineering department, senior engineer, junior engineer and engineering aide. The junior engineer position has since been effectively eliminated.
- 4/ At page 3 of the transcript of the proceeding on the original petition for election, the parties stipulated the stipulated unit contemplated the inclusion of any future hired regular part-time employees.
- 5/ The Municipal Employer has since eliminated the C.E.T.A. laborer position and one of the two C.E.T.A. dispatcher positions.