

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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In the Matter of the Petition of	:	
METROPOLITAN, SUPERVISORY AND TECHNICAL	:	Case XXV
EMPLOYEES UNION, AFL-CIO, LOCAL 481	:	No. 11726 ME-343
	:	Decision No. 8219
Involving Employes of	:	
MILWAUKEE COUNTY	:	
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ORDER TO SHOW CAUSE

Metropolitan Supervisory and Technical Employees Union, AFL-CIO, Local 481, having on July 21, 1967, filed a petition with the Wisconsin Employment Relations Commission requesting that an election be conducted pursuant to Section 111.70, Wisconsin Statutes, among "All supervisory and technical employees employed by the County of Milwaukee, but excluding all supervisors and technical employees included in any certified bargaining unit"; and the Commission, on July 27, 1967, having, in writing, requested the Union to furnish the Commission with a list of the job classifications which the Union contended were to be included in the bargaining unit described in its petition; and on October 9, 1967, the Union having responded to the request of the Commission in writing, wherein it listed one classification in the House of Corrections, three classifications in the Airport, two classifications in the Department of Public Works - Highway Division, and 18 classifications in various divisions of the Parks Department, as the supervisory positions to be included in the clerical unit; and on November 23 and 24, 1965, pursuant to Directions of Elections previously issued by it, the Wisconsin Employment Relations Commission conducted elections among various employees of the County of Milwaukee to determine what, if any, representation said employees desired for the purposes of collective bargaining; and in said directions the Commission excluded from the various bargaining units involved all supervisory personnel, among others, upon having determined that supervisors were not employees within the meaning of Section 111.70, Wisconsin Statutes, and where, further, in various election proceedings involving employees of the County of Milwaukee, the Commission dismissed petitions for elections involving units based on extent of organization, and the Commission

being fully advised in the premises, makes and files the following

ORDER

IT IS ORDERED that Metropolitan, Supervisory and Technical Employees Union, AFL-CIO, Local 481, show cause in writing on or before November 1, 1967:

1. Why the Commission should not dismiss the instant petition for the reason that the collective bargaining unit claimed to be appropriate by the Petitioner includes supervisors who have not been considered employees within the meaning of Section 111.70, Wisconsin Statutes, and for the further reason that the collective bargaining unit set forth in the instant petition is not an appropriate unit within the meaning of Section 111.70, Wisconsin Statutes.

2. Why the Union has failed and refused to include a substantial number of other supervisory classifications of employees in the employ of the County of Milwaukee in the desired unit.

IT IS FURTHER ORDERED that the Union serve a copy of its response to the instant Order upon the County of Milwaukee at the same time such document is filed with the Commission.

Given under our hands and seal at  
the City of Madison, Wisconsin this .  
11th day of October, 1967.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

*Norm Slavney*

Norm Slavney, Chairman

*Zel S. Rice II*

Zel S. Rice II, Commissioner

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Involving Employees of	:	Decision No. 8219
MILWAUKEE COUNTY	:	
	:	

MEMORANDUM ACCOMPANYING ORDER TO SHOW CAUSE

On July 21, 1967, the Union filed a petition with the Commission requesting a representation election among "all supervisory and technical employees employed by the County of Milwaukee, but excluding all supervisory or technical employees included in any certified bargaining unit." Shortly after the receipt of the petition, the Commission, in writing, requested the Union to identify the classifications which it contended should be in the unit covered by the petition. On October 9, 1967, the Union responded to the Commission's request and indicated a contention that the following classifications in the noted departments were to be included in the appropriate collective bargaining unit.

<u>Title Code</u>	<u>Title of Positions</u>
	HOUSE OF CORRECTION
586	Guard II
	AIRPORT DEPARTMENT
109	Airport Operations Supervisor
184	Assistant Airport Maintenance Supervisor
195	Airport Maintenance Foreman
	DEPARTMENT OF PUBLIC WORKS-HIGHWAY DIVISION
181	Highway Maintenance Foreman
275.5	Automotive and Equipment Foreman
	PARKS-ADMINISTRATION
42	Accountant II
416.5	Refectory Supervisor
424.3	Park Service Investigator
	PARKS-DISTRICTS
204	Mechanical Maintenance Supervisor
412	Park Supervisor III

413	Park Supervisor IV
424.7	Botanical Supervisor II
426	Gardener II
426.6	Horticultural Director
	PARKS-HORTICULTURE AND FORESTRY DIVISION
422	Arborist III
426.4	County Forester
	PARKS-NURSERY
422.3	Nursery Supervisor
	PARKS-IMPROVEMENT AND CONSTRUCTION DIVISION
182	Park Construction Foreman
362.3	Assistant Park Construction Superintendent
	PARKS-SERVICE DIVISION
275	Automotive Mechanic Foreman
413.1	Assistant Park Services Superintendent
	PARKS-STADIUM
204.5	Stadium Maintenance Supervisor
	PARKS-ZOOLOGICAL GARDENS
418.5	Zookeeper IV

Since its inception of the administration of Section 111.70 of the Wisconsin Statutes, the Commission has considered supervisors not to be employees within the meaning of the statute.<sup>1/</sup> In earlier proceedings involving the processing of election petitions filed by various local unions requesting the Commission to conduct representation elections among employees of the County of Milwaukee, the Commission, on November 10, 1965,<sup>2/</sup> issued an Amended Supplemental Direction of Elections which set forth various classifications eligible to participate in the various elections, as well as the various classifications deemed not eligible because of their supervisory or confidential status. The petitioning Union, in its petition and subsequent letter, requests the Commission to conduct an election among certain supervisory personnel in four departments of the County. The Petitioner not only would exclude additional supervisory classifications in said four departments, but would exclude supervisory personnel employed in approximately 30 additional departments of the County.

It appears to us that not only does the Union desire the Commission to change its determination with respect to the status of

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1/ Outagamie County Hospital (6076), 8/62; City of Milwaukee (6960), 12/64.

2/ Decision No. 7135-B.

supervisors, but would have the Commission establish a unit of supervisory employes based, apparently, on the extent of organization by the Petitioner.

We have issued an Order to Show Cause with respect to the matter, and we request the Petitioner to respond thereto, especially as it relates to the apparent request with respect to requesting the Commission to reverse its ruling on supervisors and with respect to the claimed unit apparently being based on extent of organization.

Dated at Madison, Wisconsin this 11th day of October, 1967.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney  
Morris Slavney, Chairman

J. S. Rice II  
J. S. Rice II, Commissioner