

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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In the Matter of the Petition of :
WISCONSIN HEARING EXAMINERS ASSOCIATION, :
INC. :

Involving Attorney-Examiners employed :
in the :

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN :
RELATIONS, PUBLIC SERVICE COMMISSION, :
AND DEPARTMENT OF HEALTH AND SOCIAL :
SERVICES of the STATE OF WISCONSIN :
----- :

Case I
No. 11311 SE-5
Decision No. 8340-A

ORDER DENYING MOTION TO RECONSIDER AND
AMENDING DIRECTION OF ELECTIONS

The Wisconsin Employment Relations Commission heretofore, and on January 22, 1968, having issued a Direction of Elections in the above entitled matter, wherein it directed that elections be conducted in three separate units among employees occupying the classifications of Attorney-Examiner I and II employed in the Department of Industry, Labor and Human Relations, Department of Health and Social Services and in the Public Service Commission, to determine whether said employees in said separate collective bargaining units desired to be represented for the purpose of collective bargaining by the Wisconsin Hearing Examiners Association, Inc.; and thereafter, and on February 6, 1968, the Employment Relations Section (Division of Employment Relations) of the Department of Administration, State of Wisconsin, on behalf of the three state agencies involved, filed a motion requesting the Commission to reconsider its determination establishing separate collective bargaining units for Attorney-Examiners, and in support thereof, set forth that on June 20, 1967, the State abolished the classifications of Attorney-Examiners I and II, and that those employees who were occupying said classifications were reclassified as Attorneys,^{1/} and contending that since there are other Attorneys employed in the state agencies involved, the three separate units established by the Commission are inappropriate for they do not include the remaining

^{1/} The Commission was not formally notified of such change until the filing of the Motion to Reconsider.

Attorneys; and the Commission having reviewed said motion and being fully advised in the premises, and being satisfied that said motion should be denied, and further being satisfied that the Direction be amended;

NOW, THEREFORE, it is

ORDERED

1. That the Motion to Reconsider is denied, and
2. That the Direction of Elections previously issued by the Commission in the above entitled matter be amended to reflect the changed description of the bargaining units involved as follows:

Unit No. 1

All Attorneys previously occupying the classifications of Attorney-Examiner I and II, employed in the Department of Industry, Labor and Human Relations, excluding supervisors, limited-term, and all other employees, who were employed by such State Employer on January 11, 1968, except such employees as may prior to the election quit their employment or be discharged for cause.

Unit No. 2

All Attorneys previously occupying the classifications of Attorney-Examiner I and II, employed in the Department of Health and Social Services, excluding supervisors, limited-term, and all other employees, who were employed by such State Employer on January 11, 1968, except such employees as may prior to the election quit their employment or be discharged for cause.


Unit No. 3

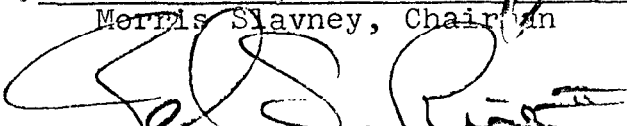
All Attorneys previously occupying the classifications of Attorney-Examiner I and II, employed in the Public Service Commission, excluding supervisors, limited-term, and all other employees, who were employed by such State Employer on January 11, 1968, except such employees as may prior to the election quit their employment or be discharged for cause.

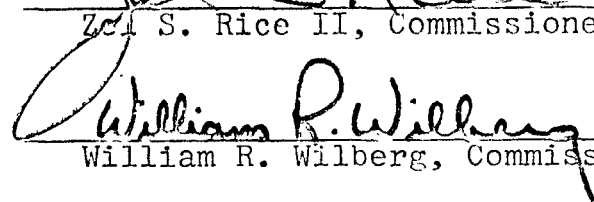
Given under our hands and seal at the City of Madison, Wisconsin, this 14th day of February, 1968.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Zel S. Rice II, Commissioner


William R. Wilberg, Commissioner

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RELATIONS, PUBLIC SERVICE COMMISSION,	:	
AND DEPARTMENT OF HEALTH AND SOCIAL	:	
SERVICES OF THE STATE OF WISCONSIN	:	
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MEMORANDUM ACCOMPANYING ORDER DENYING MOTION
TO RECONSIDER AND AMENDING DIRECTION OF ELECTIONS

On January 22, 1968, the Commission directed representation elections in three separate bargaining units among employees occupying the classifications of Attorney-Examiner I and II employed in the Department of Industry, Labor and Human Relations, Department of Health and Social Services and in the Public Service Commission. On February 6, 1968, the Employment Relations Section (Division of Employment Relations), Department of Administration, State of Wisconsin, on behalf of the state agencies involved filed a motion requesting the Commission to reconsider its determination that the Attorney-Examiner I and II classifications constituted a separate profession. Said motion called to the Commission's attention that the Attorney-Examiner I and II classifications had been abolished and that the individuals previously in said classifications were now classified as Attorneys, and that since other Attorney classifications were employed by the three state agencies involved, the units are inappropriate.


The mere elimination of the classifications of Attorney-Examiner I and II does not extinguish the specialized skills and duties performed by those individuals who were previously classified as Attorney-Examiners. The motion contains no allegation that the duties of the employees

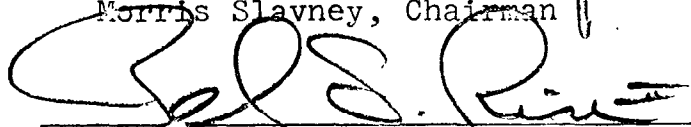
involved have changed, nor is there an allegation that other Attorneys have the specialized skills or are performing the duties performed by the employees involved herein. It appears that only their "job title" has changed. Therefore, we have denied the Motion to Reconsider. However, we have amended the Direction to reflect the change in the classifications.

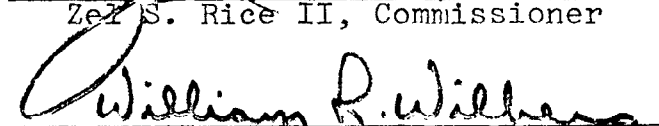
Dated at Madison, Wisconsin, this 14th day of February, 1968.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Zel S. Rice II, Commissioner


William R. Wilberg, Commissioner