

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

STEVENS POINT BOARD OF EDUCATION,
STEVENS POINT AREA PUBLIC SCHOOLS,
DISTRICT NO. 1

Case II
No. 11976 ME-363
Decision No. 8539

Goldberg, Previant & Uelmen by Mr. John S. Williamson, Attorney at Law, for the Petitioner.
Mr. John C. Poelstra, Business Administrator, for the Municipal Employer.
Mr. Malcolm Einerson, Representative, for the Intervenor.

DIRECTION OF ELECTION

General Drivers Union Local 354, having petitioned the Wisconsin Employment Relations Commission to conduct an election pursuant to Section 111.70 of the Wisconsin Statutes, among certain employes of Stevens Point Board of Education, Stevens Point Area Public Schools, District No. 1; and a hearing on such petition having been conducted at Stevens Point, Wisconsin, on April 3, 1968, by Herman Torosian, Examiner; and the Commission having considered the evidence and arguments of Counsel; and being satisfied that a question has arisen concerning representation for certain employes of said Municipal Employer;

NOW, THEREFORE, it is

DIRECTED

That an election by secret ballot be conducted under the direction of the Wisconsin Employment Relations Commission within sixty (60) days from the date of this Direction in the collective bargaining unit consisting of school bus drivers and maintenance mechanics, excluding supervisors and all other employes of the Stevens Point Board of Education, Stevens Point Area Public Schools, District No. 1, who were employed by said Municipal Employer on April 3, 1968 except such employes as may prior to the election quit their employment or be discharged for cause, for the purpose of determining whether or not a

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majority of such employes desires to be represented by General Drivers Union Local 354, for the purposes of conferences and negotiations with said Municipal Employer on questions of wages, hours and conditions of employment.

Given under our hands and seal at the City of Madison, Wisconsin this 10th day of May, 1968.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slayney
Morris Slayney, Chairman

Ed S. Rice II
Ed S. Rice II, Commissioner

William R. Wilberg
William R. Wilberg, Commissioner

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of :
GENERAL DRIVERS UNION LOCAL 354 : Case II
Involving Certain Employees of : No. 11976 ME-363
STEVEN'S POINT BOARD OF EDUCATION, : Decision No. 8539
STEVEN'S POINT AREA PUBLIC SCHOOLS, :
DISTRICT NO. 1 :

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

Drivers, Warehouse and Dairy Employees Union, Local 354, affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America filed a petition requesting the Commission to conduct an election, pursuant to Section 111.70, Wisconsin Statutes, among all regular full-time and regular part-time school bus drivers and maintenance mechanics in the employ of Stevens Point Board of Education, Stevens Point Area Public Schools, District No. 1, excluding supervisors and all other employees. During the course of the hearing, the Municipal Employer contended that the Commission should not entertain the present petition inasmuch as said employees are already covered by an existing employment policy covering the wages, hours and conditions of employment, which policy had been negotiated with the Stevens Point City Employees Union, Local 309, AFSCME, AFL-CIO. The Commission, after an election conducted by it, on October 6, 1966 had certified the latter labor organization as the collective bargaining representative for the employees in said unit. The policy became effective January 1, 1968. The first paragraph of such policy reads as follows:

"I EMPLOYEES

The Employer recognizes the Union, Stevens Point City Employees Local #309, AFSCME, AFL-CIO, as the exclusive collective bargaining representative for regular full-time and regular part-time custodial and maintenance employees of the Stevens Point Area Public Schools, District #1, except the Supervisor of Buildings and Grounds, bus transportation employees, and any employees not covered by this resolution, for the purpose of bargaining collectively on all matters pertaining to wages, hours, and working conditions of employment."

It is therefore apparent that bus drivers and mechanics were neither included in the collective bargaining unit certified by the Commission nor covered by the employment relations policy negotiated by Local 309, AFSCME and the Municipal Employer. The representative of the latter labor organization intervened in the proceeding. He did not contend that either bus drivers or mechanics were included in the bargaining unit represented by his organization.

The Employer's objection is based solely on its claim that more than 50 percent of its employees who have worked for more than one year, earn more than one half of their annual income as custodians and not as bus drivers. Therefore, it is argued, bus drivers are included in, and represented by, the "custodial unit" and should not be allowed to constitute a separate unit.

The Commission finds no merit in the Municipal Employer's contention since the record discloses that only 5 out of a total of 37 bus drivers earn more than 50 percent of their income from custodial work. What's more, said employees are not hired for custodial work, but rather for the purpose of driving buses. They are, however, given an opportunity, on a voluntary basis, to perform custodial work if they so desire. Under such circumstances there is no assurance that said employees will perform custodial work, or in cases where they do, there is no assurance as to the number of hours which would be spent performing custodial duties.

If the Employer's reasoning were adopted by the Commission, bus drivers, when performing their primary job in bussing students, would not be entitled to representation, but would be entitled to representation when performing custodial work.

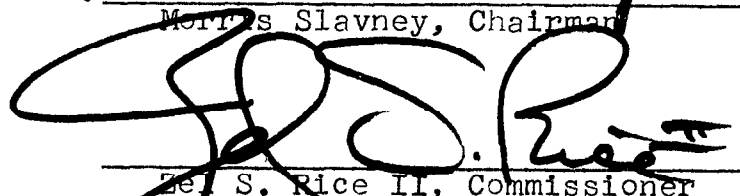
The Commission concludes that those employees who are primarily bus drivers and mechanics should not be denied an opportunity to determine whether they desire to be represented by the Petitioner for purposes of collective bargaining.

Dated at Madison, Wisconsin this 10th day of May, 1968.

By



Morris Slavney, Chairman



Earl S. Rice II, Commissioner



William R. Wilberg, Commissioner