

In the Matter of the Petition of
COLLECTOR-INVESTIGATORS'
INDEPENDENT UNION
Involving Employees of
MILWAUKEE COUNTY

Case XXVIII
No. 11985 ME-367
Decision No. 8705

Collector-Investigators' Independent Union having filed a petition requesting the Wisconsin Employment Relations Commission to conduct an election pursuant to Section 111.70, Wisconsin Statutes, among all employees of Milwaukee County Department of Institutions Administration classified as Collector-Investigators; and a hearing on such petition having been held at Milwaukee, Wisconsin, on April 18, 1968; and during the course of said hearing, Milwaukee District Council 48, AFSCME, AFL-CIO, having been permitted to intervene in the instant proceeding on its claim that it represents the so-classified employees of the Municipal Employer; and the Commission having considered the evidence and arguments of Counsel, and being satisfied that the unit set forth by the Petitioner as being appropriate is not comprised of a single craft or separate division or department, and, therefore, cannot constitute an appropriate collective bargaining unit within the meaning of Section 111.70, Wisconsin Statutes;

That the petition filed in the instant matter be, and the same hereby is, dismissed.

Given under our hands and seal at the
City of Madison, Wisconsin, this 1st
day of October, 1968.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Morris Slavney, Chairman

Zel S. Rice II, Commissioner

William R. Wilberg, Commissioner

No. 8705

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COLLECTOR-INVESTIGATORS' : Case XXVIII
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The petition which initiated this proceeding was filed by Elmer K. Mueller, a Collector-Investigator in the employ of Milwaukee County, on February 26, 1968. At the hearing held on April 18, 1968, the petition was amended to identify the Petitioner as the Collector-Investigators' Independent Union, and to describe the unit which the Petitioner seeks to represent as all Collector-Investigators employed by Milwaukee County in its Department of Institutions Administration. Final arguments were submitted on August 7, 1968.

Following such certification, the employees in question were covered by collective bargaining agreements between the County and District Council 48, including their 1968 agreement which was in effect at all times material herein. District Council 48 was allowed

-2-

to intervene herein on the basis of its certification and collective bargaining agreement and thereafter objected, without further specification, to the timeliness of the petition. This objection is not rules upon herein as the petition is dismissed on other grounds and the law with respect to the timeliness issue has undergone some modifications and clarification since the filing of the instant petition.

As stated in the attached Order, the petition is dismissed because the unit sought does not constitute a craft nor is it a division or department.

The Collector-Investigators conduct investigations of the financial status of recipients of care in County medical facilities; patients or inmates in County institutions, and defendants in certain types of legal actions. They maintain records of such finances so that determinations may be made with respect to eligibility for such benefits and the financial liability of the families of such recipients. Investigations are also made with respect to the legal settlement of such recipients and persons claiming eligibility, and collections are made, by these employees, of accounts receivable with respect to payment for such benefits. Where such collections are not made, the Collector-Investigators may recommend appropriate legal methods. Additionally, these employees interpret, to such recipients and their families, the appropriate legal provisions which determine the benefits to which they are entitled and the liabilities which they incur.

To be qualified for this position a person must have a bachelors degree, but not in any particular field.

Thus, the record indicates that the Collector-Investigators have extensive skills and technical knowledge with respect to the legal aspects of receiving certain types of aid from the County, and investigations with regard thereto. It is also shown that only persons of relatively high educational attainment are considered qualified for the position. However, it is concluded that they are not professional employees coming within the craft exception of Section 111.70(4)(d) because their function is not necessarily related to or learned during their academic training. Rather, their pertinent knowledge and skills are acquired subsequent to hire by the County or in a prior similar position. Further evidence of this is that, at least until the time of the hearing in this case,

they were appointed from an eligibility list also utilized in the appointment of welfare case workers, a distinctly different position requiring distinctly different information and skills.

We have also rejected the contention that the Collector-Investigators in the Department of Institutions Administration constitute a separate division or department. First, it is noted that the employees so classified are also assigned to the office of the Clerk of Circuit Court. (If it were found that these were craft employees, all members of the craft in the employ of the County would constitute an appropriate unit.) Secondly, these employees are associated with clerical employees in the subunit of the Department of Institutions Administration to which they are assigned. Most significantly, however, the record discloses that while they are grouped in a subunit, with its own supervisor and assistant supervisor, it is a functional grouping coordinated with many other such subunits in the administration of the County Institutions. The mere fact that their particular function is distinct does not constitute them a separate department or division within the meaning of the Statute.

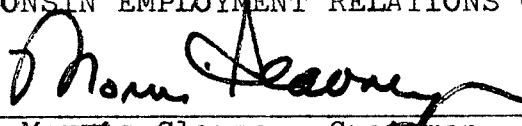
Neither does the fact that over the years various documents and forms have been issued referring to this group as a department constitute them as such within the meaning of Section 111.70. Of course, the persons responsible for such issuance did not contemplate this proceeding, and it would appear that the group is not even a department within the meaning of the pertinent County ordinances. (Similarly, references to these employees as professionals by the Intervenor does not constitute them as such.)

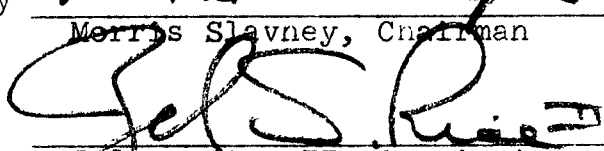
Finally, the record includes certain assertions which indicate that the basis for the filing of the instant petition was discontent among the employees involved with the representation being given them by the Intervenor. Such considerations are not relevant to the determinations which must be made with respect to such a petition and no finding or conclusions have been made herein with regard to such assertions.

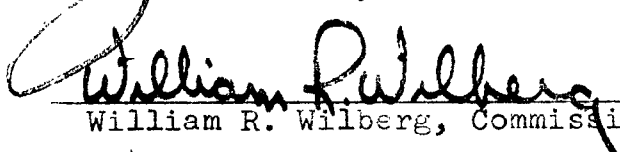
Dated at Madison, Wisconsin, this *1st* day of October, 1968.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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