



BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Case I  
No. 12352 ME-399  
Decision No. 8726

Mr. John M. Kostner, City Attorney, for the Municipal Employer.  
Mr. Thomas C. Haley, Business Agent, for the Union.

International Brotherhood of Electrical Workers, Local 953, AFL-CIO having petitioned the Wisconsin Employment Relations Commission to conduct an election pursuant to Section 111.70 of the Wisconsin Statutes, among certain employees of the City of Arcadia; and a hearing on such petition having been conducted at Arcadia, Wisconsin, on October 10, 1968, by Zel S. Rice II, Commissioner; and the Commission having considered the evidence and being satisfied that a question has arisen concerning representation for certain employees of the Municipal Employer named above;

DIRECTED


No. 8726


of determining whether or not a majority of such employees desire to be represented by International Brotherhood of Electrical Workers, Local 953, AFL-CIO, for the purposes of conferences and negotiations with the above named Municipal Employer on questions of wages, hours and conditions of employment.


Given under our hands and seal at the City of Madison, Wisconsin, this 22nd day of October, 1968.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slayney, Chairman

  
Zel S. Rice II, Commissioner

  
William R. Wilberg, Commissioner

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

CITY OF ARCADIA

Case I  
No. 12352 ME-399  
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International Brotherhood of Electrical Workers, Local 953, AFL-CIO, hereinafter referred to as the Union, petitioned for an election to determine the representatives of all of the employes of the Municipal Electric Utility of the City of Arcadia, hereinafter referred to as the Municipal Employer. In the course of the hearing the Union claimed that only the three full-time employes should be included in the bargaining unit. The Municipal Employer contended that the four part-time employes should also be included in the bargaining unit and permitted to vote. The three full-time employes are linemen and operators of the municipal utility. They repair the meters, maintain lines, test equipment and maintain the diesel engine and generators. Their work takes them outside of the power station to maintain the lines and to repair meters. However, they also do work inside the power station in the maintenance and the testing of the generating equipment. The full-time employes have hours during the period from 6:00 A.M. to 10:00 P.M. in the winter and from 8:00 A.M. to 5:00 P.M. the rest of the year. The full-time employes received gross wages during the first 9 months of 1968 ranging from \$4,600 up to \$5,400. They also participate in a retirement system and a health and accident insurance program. They receive three weeks vacation during the year and one week of sick leave. The four part-time employes do not receive any vacation or sick leave and they do not participate in the retirement system and the health and accident insurance program. They work only at night and are paid \$1.25 an hour.

They are not full-time employees. During the summer, they are on 5 days and off 5 days and during the winter they are on 5 days and off 15 days. Their duties require them to keep the water reservoir full and to watch the meters and take readings and to receive fire calls which may come when they are on duty. They do not maintain any equipment. The wages which these four part-time employees received during the first 9 months of 1968 ranged from \$763 to \$927. These four part-time employees are all receiving social security and their earnings do not exceed the amount permitted to enable them to still qualify for the social security benefits.

Ordinarily the bargaining unit would include all regular full-time and regular part-time employees. However, the part-time employees should not be included in the bargaining unit claimed by the Union. They are paid on an altogether different basis and work on an altogether different schedule. They do not qualify for pension or health insurance benefits and they are not eligible for vacation or sick leave. All of them receive social security benefits and they do not earn more than the maximum permitted to qualify for benefits under the Social Security Act. We find that these employees do not have a sufficient interest in the selection of a collective bargaining representative to entitle them to vote in the election.<sup>1/</sup>

Dated at Madison, Wisconsin, this 22nd day of October, 1968.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

*Thomas Slavney*

Morris Slavney, Chairman

*Zel S. Rice II*

Zel S. Rice II, Commissioner

*William R. Wilberg*

William R. Wilberg, Commissioner

<sup>1/</sup> 65 NLRB No. 133, In the Matter of Hoosier Desk Company and United Furniture Workers of America, Local No. 331, CIO.

137 NLRB No. 23, Joclin Manufacturing Company and United Rubber, Cork, Linoleum and Plastic Workers of America, AFL-CIO.