## STATE OF WISCONSIN

# BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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In the Matter of the Petition of	:
TECHNICIANS, ENGINEERS AND ARCHITECTS OF MILWAUKEE COUNTY	: Case XXIX
Involving Employes of	No. 12393 ME-406 Decision No. 8765
MILWAUKEE COUNTY Milwaukee, Wisconsin	•
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Appearances:

 Mr. Marshall E. Fredrich, Attorney at Law, for the Petitioning Union.
Mr. Robert G. Polasek, Assistant Corporation Counsel, for the Municipal Employer.
Mr. Harold W. Schmidt, Assistant Director of Milwaukee District Council 48, for the Intervenor.

## DIRECTION OF ELECTION

Petition having been filed on October 3, 1968, by the Technicians, Engineers and Architects of Milwaukee County, hereinafter referred to as T.E.A.M. Co., to conduct an election, pursuant to Section 111.70 of the Wisconsin Statutes, among certain employes of Milwaukee County, for the purposes of determining what representation, if any, said employes desire for the purposes of conferences and negotiations with said Municipal Employer on questions of wages, hours and conditions of employment; and a hearing on said petition having been conducted at Milwaukee, Wisconsin, on November 5, 1968, by Allan J. Harrison, Hearing Officer; and at the outset of the hearing Milwaukee District Council 48, American Federation of State, County and Municipal Employees, AFL-CIO, naving been permitted to intervene in the instant proceeding on its claim that it represents certain professional engineering personnel in the employ of the Municipal Employer; and the Commission having considered the evidence and being satisfied that a question has arisen concerning representation for certain employes of the Municipal Employer;

NOW, THEREFORE, it is

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#### DIRECTED

That an election by secret ballot shall be conducted under the direction of the Wisconsin Employment Relations Commission within thirty (30) days from the date of this Directive among all Engineers, Engineering Technicians III, IV and V, Architects, Landscape Architects, Architectural Draftsmen, Design Draftsmen, Estimator and Specification Writer as included within the Engineering Group defined in Section 17.32(2) of the General Ordinances of Milwaukee County, excluding all other employes which are in currently certified bargaining units and excluding all other employes, supervisory employes, confidential employes and executives wno were employed by tne Municipal Employer on November 5, 1968, except such employes as may prior to the election quit their employment or be discharged for cause for the purposes of determining whether a majority of such employes desire to be represented by Technicians, Engineers and Architects of Milwaukee County, or by Milwaukee District Council 48, American Federation of State, County and Municipal Employees, AFL-CIO, or by neitner of said organizations, for the purposes of conferences and negotiations with the above named Municipal Employer on questions of wages, nours and conditions of employment.

Given under our hands and seal at the City of Madison, Wisconsin, this  $\mathcal{LC}^{(U_1)}$  day of November, 1968.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Slavney, Chairman Morris 20 Commissioner Rice ΤL,

### STATE OF WISCONSIN

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### MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

At the hearing conducted on November 5, 1968, Milwaukee District Council 48, American Federation of State, County and Municipal Employees, AFL-CIO, expressed a desire to be on the ballot, claiming it represented certain employes in the petitioned unit. Based on this claim, the Hearing Officer permitted said organization to intervene.

At the hearing the Intervenor questioned the status of the Petitioner, T.E.A.M. of Milwaukee County, as a labor organization within the meaning of that term as defined in Chapter 111.70 of the Wisconsin Statutes. The Intervenor based its claim on the grounds that four supervisory employes are now members of the Petitioner and that its constitution does not prohibit supervisory employes from holding office in that organization.

As the Commission has previously stated in <u>CITY OF MILWAUKEE</u>, Case VI, December 28, 1964:

"... the Board (Commission) should not, in a representation proceeding, question the internal affairs of an organization, which the Board is satisfied exists for the purpose of representing municipal employes in conferences and negotiations with municipal employes on matters pertaining to wages, hours and conditions of employment."

The Commission further stated that where an organization does not exclude supervisory employes from membership in the organization, the employes can vote to reject such organization as the bargaining representative. Moreover, there exists an ample statutory remedy if such supervisory participation in the organization results in

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an allegation of employer dominance of the representative or of employer interference with the rights of employes to collective action. This reasoning is equally applicable to the instant case.

Testimony presented by the President of the Petitioner, Lloyd Mlejnek, made very clear the Petitioner's "purpose of representing municipal employes on matters pertaining to wages, nours and conditions of employment".

We therefore conclude that the Petitioner is an employe organization as contemplated in Section 111.70 and is therefore entitled to participate in an election to determine bargaining representatives.

Dated at Madison, Wisconsin, this Dated at November, 1968.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Slavney, Chai Rice Commissioner II, 7.e S