

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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In the Matter of the Petition of

CITY OF NEENAH

Involving Certain Employees of

CITY OF NEENAH

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Case I

No. 12562 ME-423

Decision No. 8906

Appearances:

Mr. Charles E. Schaller, City Attorney, for the Municipal Employer.

Mr. Robert Schlieve, Secretary-Treasurer, for the Union.

DIRECTION OF ELECTION

City of Neenah, Wisconsin, having filed a petition with the Wisconsin Employment Relations Commission wherein it requested that the Commission conduct an election pursuant to Section 111.70 of the Wisconsin Statutes among certain employees of the City of Neenah, namely non-supervisory employees of the Street and Sanitation, Parks and Recreation and Water Departments; and a hearing having been held at Neenah, Wisconsin, on January 13, 1969; and the Commission having considered the evidence and being satisfied that questions have arisen concerning the appropriate collective bargaining units and concerning representation for certain employees of the City of Neenah;

NOW, THEREFORE, it is

DIRECTED

That elections by secret ballot shall be conducted under the direction of the Wisconsin Employment Relations Commission within sixty (60) days from the date of this Directive among the employees in the following voting groups for the purposes stated herein:

VOTING GROUP NO. 1

All employees in the Street and Sanitation Department, excluding professional and supervisory employees, who were employed on February 21, 1969, except such employees as may prior to the election quit

their employment or be discharged for cause, for the purpose of determining whether a majority of such employees desire to constitute themselves a collective bargaining unit separate and apart from other employees of the Municipal Employer and whether or not a majority of such employees desire to be represented by General Drivers and Dairy Employees Union, Local No. 563, for the purposes of conferences and negotiations with the City of Neenah on questions of wages, hours and conditions of employment.

VOTING GROUP NO. 2


All employees in the Parks and Recreation Department, excluding professional and supervisory employees, who were employed on February 21, 1969, except such employees as may prior to the election quit their employment or be discharged for cause, for the purpose of determining whether a majority of such employees desire to constitute themselves a collective bargaining unit separate and apart from other employees of the Municipal Employer and whether or not a majority of such employees desire to be represented by General Drivers and Dairy Employees Union, Local No. 563, for the purposes of conferences and negotiations with the City of Neenah on questions of wages, hours and conditions of employment.

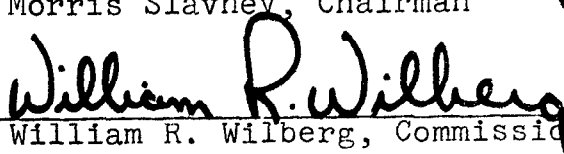
In each voting group the ballots cast by the employees for the unit determination shall be tallied first, and if the required number of employees fail to vote in favor of establishing the separate unit, then the ballots with respect to the selection of the bargaining representative shall be immediately impounded, and the results thereof not determined.

Given under our hands and seal at the  
City of Madison, Wisconsin, this 21st  
day of February, 1969.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slavney, Chairman

  
William R. Wilberg, Commissioner

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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The petition for election submitted by Petitioner, City of Neenah, contains the following description of the claimed appropriate bargaining unit:

At the hearing Petitioner stated that said description comprised the three departments which the Union, General Drivers and Dairy Employees Union Local No. 563, claimed to represent and in which said Union asked to be voluntarily recognized. Petitioner elected not to voluntarily recognize the Union and thus petitioned the Commission so that it might determine the appropriate unit and conduct an election therein. At the hearing Petitioner stated further that it was not taking any position with respect to the appropriateness of the unit which it described in its petition.

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City. The employes in each of the departments have separate job classifications and to some degree have different conditions of employment. The departments function separately except where the nature of the work, e.g. snow removal, requires close cooperation.

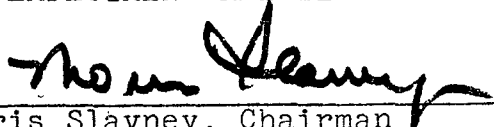
The record indicates that the Water, Park and Street and Sanitation Departments do not constitute all of the Petitioner's employes. Where, as in the instant case, a claim is made by an employe organization to represent employes of the municipal employer, and where, as here, the Commission is convinced that the bargaining units sought constitute separate departments, the Commission will direct an election to enable the employes in said departments to indicate whether or not they desire to have separate departmental bargaining units.<sup>1/</sup>

The Union seeks two separate bargaining units in the Park Department and in the Street and Sanitation Department. Since the Commission has determined that the Park and Street and Sanitation Departments are separate departments, separate unit votes have been directed therein. Although the Commission has determined that the Water Department, too, is a separate department, it has not directed that a vote be conducted therein since at the hearing the Union withdrew its earlier claim to the Petitioner to represent Water Department employes. Thus, there is no claim for representation of Water Department employes at the present time.

Dated at Madison, Wisconsin, this 21st day of February, 1969.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slavney, Chairman

  
William R. Wilberg, Commissioner

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<sup>1/</sup> Dodge County Hospital, Dec. No. 6067, 7/62; City of Milwaukee, Dec. No. 6252, 2/63.