

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of	:	
DISTRICT COUNCIL #48, AFSCME,	:	
AFL-CIO	:	Case III
Involving Certain Employees of	:	No. 12706 ME-443
VILLAGE OF WEST MILWAUKEE	:	Decision No. 9019

Appearances:

Mr. Emil Muelver, Staff Representative, District Council #48, AFSCME, AFL-CIO, for the Petitioning Union.  
Mr. James J. Arnold, Village Attorney, Village of West Milwaukee, for the Municipal Employer.

DIRECTION OF ELECTION

District Council #48, AFSCME, 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 Village of West Milwaukee; and a hearing on such petition having been conducted at Milwaukee, Wisconsin, on April 10 and April 16, 1969, before Allan J. Harrison, Hearing Officer; and the Commission having considered the evidence and arguments of the parties, and being satisfied that a question has arisen concerning representation for said employees of said Municipal Employer;

NOW, THEREFORE, it is

DIRECTED

That an election 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 in the bargaining unit consisting of all employees employed in the Department of Public Works, Village of West Milwaukee, excluding supervisory personnel, who were employed by the Municipal Employer on April 8, 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 employes desire to be represented for the purposes of conferences and negotiations on questions of wages, hours and conditions of employment by District Council #48, AFSCME, AFL-CIO.

Given under our hands and seal at the City of Madison, Wisconsin, this *2nd* day of *May* 1969.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

*Morris Slavney*  
Morris Slavney, Chairman

*William R. Wilberg*  
William R. Wilberg, Commissioner

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three-man crew to whom he may occasionally give directions and at times assist in loading garbage. Both men have the authority to send a man back to the garage for a failure to properly perform his duties although this authority has been exercised on only one or two occasions.

Piontowski and Grafenauer are paid \$3.68 per hour and are classified as skilled laborers. They perform a number of maintenance duties on the Municipal Employer's trucks and other equipment. Grafenauer generally performs the more complex mechanical maintenance and may be assisted by Piontowski or another employe. Piontowski has the sole responsibility for the boiler equipment and has a low-pressure engineer's license.

Grafenauer and Piontowski also lead crews in street and sewerage maintenance work, and, in addition, Grafenauer is the crew leader for tree-trimming assignments. In these capacities they work along with the other employes and from time to time give them directions in their assigned work. They also have the authority to send an employe back to the garage for improper work performance; however, this authority has not been exercised.

From 1956 to 1968 the employes chose a three-man committee which annually met and conferred with the Municipal Employer for the purpose of determining wages, hours and conditions of employment. All of the four individuals in question were represented by this committee, and in these negotiations the Municipal Employer did not question the committee's right to bargain for them. Significantly, however, the committee and the Municipal Employer did not discuss the wages, hours and conditions of employment of the Superintendent nor the Assistant Commissioner of the Public Works Department.

The four employes keep a daily record of their time spent on various duties, as do all the other employes in the Department with the exception of the Superintendent and the Assistant Commissioner. The four individuals do not check on the time records of the other employes on their crews, nor do they have any responsibility for the accuracy of any time report other than their own.

Sidabras and Wunsch are employed almost entirely as truck drivers. Their pay, classification and general working conditions are the same as other truck drivers, and there is a history of their representation by fellow employes in negotiations with the Municipal Employer. Their supervisory duties are minimal, and their disciplinary

authority is limited to sending an employe back to the garage. Furthermore, it is apparent that this authority has been rarely used. Although Sidabras and Wunsch might be considered working foremen, they are not supervisors and are included in the bargaining unit.<sup>1/</sup>

Grafenauer and Piontowski also exercise minimal supervisory authority since the majority of their time is spent in maintenance work involving, at most, one other employe as a helper. In those instances where they act as crew leaders, their position is that of a working foreman. They are paid by the hour and at a rate of pay only ten cents greater than that of the truck drivers. Their conditions of employment are almost identical to that of all other eligible employes and sharply differ from the conditions of employment of the Superintendent and Assistant Commissioner who are supervisory employes.

As with Sidabras and Wunsch, we conclude that Grafenauer and Piontowski are working foremen and are included in the bargaining unit.<sup>2/</sup>

Dated at Madison, Wisconsin, this *2nd* day of *May* 1969.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

*Morris Slavney*  
Morris Slavney, Chairman

*William R. Wilberg*  
William R. Wilberg, Commissioner

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<sup>1/</sup> City of Waukesha, Dec. No. 6153, 10/62; City of Wauwatosa, Dec. No. 6156, 11/62; and City of River Falls, Dec. No. 6729, 5/64.

<sup>2/</sup> City of Wauwatosa, Dec. No. 6156, 11/62; Manitowoc Board of Education, Dec. No. 6856, 9/64.