

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of
 ASSOCIATION OF NATURAL RESOURCES
 ENGINEERS
 Involving Professional Engineers of
 DEPARTMENT OF NATURAL RESOURCES, STATE
 OF WISCONSIN

Case V
 No. 13043 SE-21
 Decision No. 9209

DIRECTION OF ELECTION

The Association of Natural Resources Engineers having filed a petition with the Wisconsin Employment Relations Commission, wherein it requested that the Commission conduct an election pursuant to Section 111.83 of the Wisconsin Statutes among employes of the Department of Natural Resources, State of Wisconsin, engaged in the profession of Engineering, excluding confidential, supervisory, managerial and all other employes, to determine what, if any representation said employes desire for the purposes of collective bargaining; and hearing on such petition having been held before Chairman Morris Slavney on August 1, 1969; and the Commission, having reviewed the evidence and being fully advised in the premises, being satisfied that a question has arisen concerning the appropriate collective bargaining unit for the employes involved in the petition;

NOW, THEREFORE, it is

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 employes of the Department of Natural Resources, State of Wisconsin, engaged in the profession of Engineering, excluding confidential, supervisory,

managerial and all other employes, who were employed on July 1, 1969, except such employes who, prior to the election, quit their employment or were discharged for cause, for the purpose of determining whether a majority of such employes desire to constitute themselves a collective bargaining unit separate and apart from other employes of the Department of Natural Resources, State of Wisconsin.

Given under our hands and seal at the City of Madison, Wisconsin, this 8th day of September, 1969.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slawney
Morris Slawney, Chairman

Zel S. Rice II
Zel S. Rice II, Commissioner

William R. Wilberg
William R. Wilberg, Commissioner

divisions of the Department of Natural Resources. The professional positions which PEP desired to include in its desired unit were fourteen Civil Engineers and thirty-one Public Health Engineers. The Commission dismissed PEP's petition for the reason that it was satisfied that a divisional separation of employes did not create such a community of interest which would warrant a fragmentation of the larger unit of professional and related employes employed throughout the Department. Thereafter, and on July 23, 1969 the Association of Natural Resources Engineers (ANRE), an organization which came into existence a few days prior to said date, filed a petition requesting an election among "all employes employed in the Department of Natural Resources engaged in the profession of engineering, excluding confidential, supervisory, managerial and all other employes". There is a combined total of fifty-seven engineering positions in the Department. Ten Civil Engineers are assigned to the Division of Services and fourteen Civil Engineers are assigned to the Division of Environmental Protection. One electrical Engineer is assigned to the Division of Services, as is one Mechanical Engineer. There are thirty-one Public Health Engineer positions in the Department, all assigned to the Division of Environmental Protection. All said engineering positions, except those who are supervisors, would be included in the unit desired by ANRE. Both the State Employer and the Wisconsin State Employees Association would have the Commission dismiss the ANRE petition for various reasons, among them being the fact that said petition was not timely filed, since the Commission had already issued a direction of election among employes in a unit involving the employes concerned in the present petition, and further, that the establishment of a separate unit for professional engineers would result in an undesirable fragmentation of bargaining units in state employment.

No one questions the fact that the engineers involved herein are professional employes within the meaning of the State Employment Labor Relations Act. The Commission has previously held that employes engaged

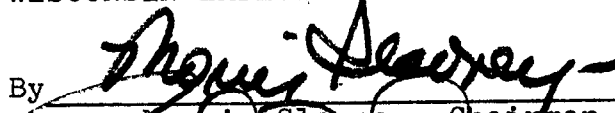
in a separate profession have a sufficient community of interest to constitute themselves a separate collective bargaining unit, and in that regard we have concluded that employes engaged in a recognized and identifiable profession because of the nature of the specialized skills utilized in performing their duties, may constitute units separate and apart from all other employes, including other professional employes.^{1/} We are satisfied that the professional engineers in the employ of the Department of Natural Resources have specialized skills which are utilized in the performance of their duties. The fact that the Commission had previously included the engineers in an "overall professional and related position" unit does not prevent the Commission from amending the description of said unit if such amendment is warranted.


However, because of the late date of the filing of the petition involved herein and since the WSEA claims to represent the engineers in a larger professional and related unit, we shall not automatically establish the engineers as a separate unit, but rather we are directing an election among said professional employes to determine whether they desire to establish themselves as a separate collective bargaining unit, pursuant to Sections 111.80(3) and 111.05(2) of the Statutes. The latter provision requires that a majority of the employes eligible must vote in favor of establishing a separate unit. We are directing such a separate unit vote among all employes of the Department of Natural Resources engaged in the profession of Engineering, excluding confidential, supervisory and managerial employes.^{2/} Should such an election result in the establishment of a separate unit the Commission will then direct that an election be conducted therein to determine what representation, if any, the employes desire for the purposes of collective bargaining.

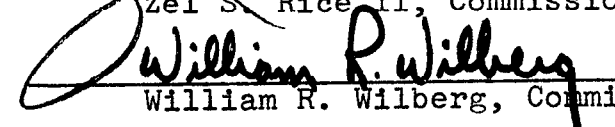
Dated at Madison, Wisconsin, this 8th day of September, 1969.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Zel S. Rice II, Commissioner


William R. Wilberg, Commissioner

1/ Department of Industry, Labor and Human Relations (8340) 1/68:

2/ Since the eligibility date established in the other election involving employes in the Department is July 1, 1969, we are also establishing said date as the eligibility date in the instant election.