STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of
LOCAL NO. 317, INTERNATIONAL UNION OF
OPERATING ENGINEERS, AFL-CIO
Involving Certain Employes of
MILWAUKEE COUNTY

Case XXXVII No. 13494 ME-521 Decision No. 9862

Appearances:

Gratz & Shneidman, Attorneys at Law, by Mr. Howard N. Myers, and Mr. Richard Stadler, President, for the Union.

Mr. Robert G. Polasek, Assistant Corporation Counsel, for the Employer.

DIRECTION OF ELECTION

Local No. 317, International Union of Operating Engineers, AFL-CIO, having petitioned the Wisconsin Employment Relations Commission to conduct an election pursuant to Section 111.70 of the Wisconsin Statutes, among certain employes of Milwaukee County; and a hearing on such petition having been conducted at Milwaukee, Wisconsin, on August 17, 1970, before Robert B. Moberly, Examiner; and the Commission having considered the petition and the record, and being satisfied that questions have arisen concerning the representation of certain employes of Milwaukee County;

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 among all regular full-time and regular part-time employes of Milwaukee County employed in the Institutions Power Plant, excluding supervisory employes and confidential employes, who were employed by Milwaukee County on the last payroll period prior to August 17, 1970, except such employes

as may prior to the election quit their employment or be discharged for cause, for the purpose of determining (1) whether a majority of employes eligible to vote desire that the eligible employes in the Institutions Power Plant constitute a collective bargaining unit separate and apart from any other collective bargaining unit of employes of Milwaukee County, and (2) whether a majority of the eligible employes voting desire to be represented by Local No. 317, International Union of Operating Engineers, AFL-CIO, for the purposes of conferences and negotiations with the above named Municipal Employer on questions of wages, hours and working conditions. If the required number of employes fail to vote in favor of establishing a separate unit, then the votes with respect to union representation will be impounded.

Given under our hands and seal at the City of Madison, Wisconsin, this 21st day of August, 1970.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Bv

Morris Slavney, Chairman

Jos. B. Kerkman, Commissioner

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MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

On May 3, 1965, the Wisconsin Employment Relations Commission directed an election among "all regular full-time and regular part-time employes of the County of Milwaukee employed in the 'Plant Operation Group' (Title Codes 300 through 321), excluding craft employes, professional employes, confidential employes, supervisors, department heads and exempt positions," for the purpose of determining (1) whether a majority of the employes eligible to vote desired that the eligible employes in the "Plant Operation Group" constituted a collective bargaining unit separate and apart from any other collective bargaining unit, and (2) whether a majority of the eligible employes voting desired to be represented by Local 311, International Union of Operating Engineers, AFL-CIO, by Milwaukee District Council 48, AFSCME, AFL-CIO, or by neither of said organizations. Milwaukee County, Decision No. 7135.

This election was conducted at the same time as an election in the general County-wide unit. In the election, the required number of employes in the "Plant Operation Group" failed to vote in favor of establishing a separate unit, and their ballots were included in the results of the balloting in the general County-wide unit. The election in the general County-wide unit was won by Milwaukee District Council 48, and the employes in the "Plant Operation Group" have since been represented by Milwaukee District Council 48.

There are approximately 57 employes in the "Plant Operation Group."

This group includes employes in the Institutions Power Plant, the Air

Pollution Control Department, the Dispensary Emergency Unit, the

Airport, the House of Correction and the Public Welfare Department.

Twenty-nine of the employes are located in the Institutions Power

Plant.

On January 30, 1970, Local No. 317, International Union of Operating Engineers, AFL-CIO, petitioned for an election of the 29 employes working in the Institutions Power Plant. A hearing was scheduled and postponed. On April 28, 1970, the case was postponed indefinitely because the matter was being processed through the AFL-CIO International Disputes Plan under a complaint filed by the American Federation of State, County and Municipal Employees against the International Union of Operating Engineers. On July 17, 1970, Milwaukee District Council 48 withdrew from the case and the matter came on for hearing August 17, 1970. Milwaukee District Council 48 did not make an appearance.

At the hearing, the parties stipulated that the Institutions

Power Plant does constitute a separate division or department and

stipulated to an election among that group of employes. We are

therefore today directing an election to determine whether the

required number of employes in the Institutions Power Plant desire to

constitute themselves a separate bargaining unit and, if so, whether a

majority of the voting employes desire to be represented by the Petitioner.

Dated at Madison, Wisconsin, this 21st day of August, 1970.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Bv

Morris Slavney, Chairman

Jos. B. Kerkman, Commission