

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

LABORERS INTERNATIONAL UNION OF
NORTH AMERICA, LOCAL 236

Involving Certain Employees of

CITY OF MADISON

Case 12

No. 52106 ME-746

Decision No. 9980-C

Appearances:

Mr. Michael O'Brien, Business Agent, Laborers International Union of North America, Local 236, 2021 Atwood Avenue, Madison, Wisconsin 53704, for the Petitioner.

Mr. Kenneth B. Wright, Labor Relations Specialist, City of Madison, City-County Building, Room 502, 210 Martin Luther King, Jr. Boulevard, Madison, Wisconsin 53709-0001, for the City.

Mr. Michael J. Wilson, Representative at Large, Wisconsin Council 40, AFSCME, AFL-CIO, 8033 Excelsior Drive, Suite B, Madison, Wisconsin 53717-1903, for the Intervenor.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND
ORDER CLARIFYING BARGAINING UNIT

On January 17, 1995, Laborers International Union of North America, Local 236, herein the Petitioner, filed a petition requesting the Wisconsin Employment Relations Commission to determine whether certain positions of the City of Madison should be included in a bargaining unit of City of Madison employees represented by Laborers Local 236. On January 31, 1995, Dane County, Wisconsin Municipal Employees Local 60, AFSCME, AFL-CIO, intervened and requested that the positions referenced in the petition be included in a bargaining unit of City of Madison employees represented by AFSCME Local 60. On May 26, 1995, the parties met with Examiner Coleen A. Burns, a member of the Commission's staff, for a pre-hearing conference. Hearing in the matter was held on August 3 and 25, 1995, in Madison, Wisconsin, before Hearing Examiner Burns. A stenographic transcript was prepared and the parties submitted post-hearing briefs by October 26, 1995. Having considered the matter and being fully advised in the premises, the

No. 9980-C

Commission makes and issues the following

FINDINGS OF FACT

1. Laborers International Union of North America, Local 236, hereafter the Petitioner or Laborers Local 236, is a labor organization with offices at 2021 Atwood Avenue, Madison, Wisconsin 53704.

2. Dane County, Wisconsin Municipal Employees Local 60, AFSCME, AFL-CIO, hereafter the Intervenor or AFSCME Local 60, is a labor organization with offices at 8033 Excelsior Drive, Suite B, Madison, Wisconsin 53717-1903.

3. City of Madison, hereafter the City or Employer, is a municipal employer with offices located at 210 Martin Luther King, Jr. Boulevard, Madison, Wisconsin 53709-0001.

4. The January 1, 1994 to December 31, 1995 collective bargaining agreement between the City and Laborers Local 236 contains the following:

ARTICLE 3

RECOGNITION AND UNIT OF REPRESENTATION

3.1 RECOGNITION:

The City recognizes the Union as the exclusive collective bargaining agent for the appropriate bargaining unit as defined in Appendix A and Appendix C, attached hereto and made a part hereof or as defined in appropriate "Certification of Representatives" promulgated by the Wisconsin Employment Relations Commission for the purpose of engaging in conferences and negotiation with the City on all questions concerning wages, hours and conditions of employment.

3.2 UNIT OF REPRESENTATION:

In the event new positions not currently covered by the recognition provisions of this Agreement are created by the City through action of the Common Council and said positions would be subject to the agreement of the parties in the bargaining unit. Employees appointed to such positions

shall be deemed part of the bargaining unit represented by the Union, and covered by the Agreement between the Union and the City.

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APPENDIX A

<u>Title</u>	<u>Dept.-Div.</u>
Garage Attendant	55
Automotive Parts Clerk	55
Custodial Worker II	18
Custodial Worker II	55
Branch Libr. Custodian	18
Str-Sew. Maint. Worker I	63
Str-Sew. Maint. Worker I	53
Automot. Maint. Worker	55
Bookmobile Drive I	18
Custodial Worker III	18
Street Machine Op. I	63
Str-Sew. Machine Op. I	53
Custodial Worker II	63
Tire Repair Worker	55
Automot. Maint. Worker II	55
Operating Maintenance Worker	63
Operations Clerk	55
Operations Clerk	53
Street Machine Op. II	63
Str-Sew. Maint. Worker II	63
Str-Sew. Maint. Worker II	53
Engineering Aide	53
Account Technician	55
Str-Sew. Maint. Worker III	53
Street Machine Op. III	63
Street Machine Op. III	55
Str-Sew. Machine Op. III	53
Operating Maintenance Worker	63
Maintenance Mechanic I	18
Maintenance Mechanic I	63
Maintenance Mechanic I	53
Auto Body Technician	55
Automotive Mechanic	55
Operating Assistant	63

Welder	55	
Master Mechanic		55
Master Automotive Body Technician	55	
Construction Inspector I		53
Construction Inspector II		53
Facility Maintenance Worker	18	
Control Room Operator		63
Engineering Operations Maintenance Worker	53	
18 - Library		
53 - Engineering		
63 - Streets		
55 - Motor Equipment		

...

Appendix C addresses the benefits and rights for seasonal and hourly employees in the positions of Streets & Sewer Maintenance Worker I in the Streets and Engineering Divisions; Engineering Assistant I and II in the Engineering Division; and Engineering Aide in the Engineering Division.

5. The collective bargaining agreement between the City and AFSCME Local 60 contains the following:

ARTICLE III

RECOGNITION AND UNIT REPRESENTATION

3.01 RECOGNITION:

The City recognizes the Union as the exclusive bargaining agent for all employees occupying the position classifications listed on Appendix A, Appendix C and Appendix G attached hereto, exclusive of managerial, supervisory and confidential employees, for the purpose of engaging in conferences and negotiations with the City with respect to wages, hours and condition of employment.

3.02 UNIT OF REPRESENTATION:

Any increase or decrease in the number of positions in the titles listed in the Departments or Divisions included in

Appendix A shall not affect the Union's right to represent all employees holding such titles in the various Departments or Divisions as listed. In the event the City should create within an agency listed in Appendix A job title listed in any other agency in Appendix A, that position shall be represented by the Union unless the City shall assert that the position is excluded by virtue of state law.

The Employer agrees to provide the Union with written notice prior to submission of any proposed new job title within the Departments or Divisions listed in Appendix A, exclusive of managerial, supervisory and/or confidential positions. This notice shall be provided no later than seven (7) calendar days prior to the Personnel Board meeting. If the parties are unable to reach agreement within this seven (7) day period, the City shall have the right to create the new job title and assign a wage rate. The new job title shall be established as a represented title if such was the City's proposal.

Thereafter, if the parties are unable to agree, the Union shall have the option of submitting the matter to grievance arbitration pursuant to the provision of Section 6.02 and provided that such arbitration be requested no later than thirty (30) days of the final action of the Common Council to create the new job title. The arbitrator shall be limited to selecting the proposed salary range of one of the parties and shall issue an award placing the new position in that salary range without modification. A dispute concerning representation may not be submitted to grievance arbitration.

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APPENDIX A - 1994-1995

<u>AGENCY</u>	<u>UNIT</u>	<u>POSITION</u>
<u>CLASSIFICATION</u>		
Affirmative Action (Special Services)	C	Contract Compliance Aide
City Engineer	C	Administrative Clerk I

CitiCable	C	Clerk Typist II
Civic Center	C	Administrative Clerk I
	C	Assistant Box Office Manager
	C	Clerk Typist II
	G	Custodial Worker II
	G	Custodial Worker III
	G	House Technician

	G	Maintenance Mechanic I
	G	Facility Maintenance Worker
Community Services (Special Services)	C	Administrative Clerk I
	C	Child Care Assistance Coordinator
	C	Program Assistant II
Comptroller's Office	C	Account Clerk I
	C	Account Clerk II
	C	Account Clerk III
	C	Account Technician I
	C	Account Technician II
	C	Account Technician III
	C	Administrative Clerk I
	G	Buyer
	C	Clerk Typist II
	C	Data Entry Operator
Data Processing	C	Clerk II
	C	Production Control Clerk
	C	Production Control Clerk (Lead)
	C	Records Management Coordinator
Equal Opportunities	C	EOC Office Assistant
Fire	C	Administrative Assistant
	C	Clerk Typist II
	G	Fire Code Enforcement Officer I
	G	Fire Code Enforcement Officer II
	G	Fire Code Enforcement Officer III
	G	Fire Code Enforcement Officer IV
	C	Fire Comm. Education Specialist
	G	Fire Equipment Mechanic I
	G	Fire Equipment Mechanic II
Health	C	Administrative Clerk I
	C	Administrative Clerk II
	G	Animal Control Leadworker
	G	Animal Control Officer
	G	Chemical Analyst I
	G	Chemical Analyst II
	G	Chemical Analyst III

	C	Clerk Steno II
	C	Clerk Typist II
	G	Dental Health Specialist
	G	Environmental Protection Leadworker
	G	Environmental Technician
	G	Laboratory Aide
	G	Microbiologist I
	G	Microbiologist II
	G	Microbiologist III
	C	Public Health Clinic Aide.
	C	Public Health Interpreter
	G	Public Health Laboratory Analyst
	G	Public Health Sanitarian I
	G	Public Health Sanitarian III
Housing Operations Unit (Planning)	C	Administrative Clerk I
	G	Building Maintenance Worker
	C	Clerk Typist II
	C	Housing Assistance Clerk
	C	Information Clerk
	G	Laborer
	G	Maintenance Mechanic II
	G	Maintenance Worker
	C	Section 8 Inspector
	C	Tenant Services Aide
Human Resources	C	Administrative Clerk I
	C	Clerk Typist II
Inspection Unit (Planning)	C	Administrative Clerk I
	G	Architect Aide I
	G	Architect Aide II
	C	Clerk II
	C	Clerk Typist II
	G	Code Enforcement Officer I
	G	Code Enforcement Officer II
	G	Code Enforcement Officer III
	G	Code Enforcement Officer IV
	G	Custodial Service Coordinator
	G	Custodial Worker II
	G	Electrical Inspector
	G	Electrical/Heating Inspector

	G	Energy/Rehabilitation Inspector
	G	Maintenance Electrician I
	G	Maintenance Mechanic I
	G	Plan Review Specialist
	G	Plumbing/Heating Inspector
	G	Property Code Inspector
	G	Weights and Measures Inspector
	G	Zoning Administrator Assistant
	G	Zoning Technician
Municipal Court	C	Judicial Support Clerk
Parking Utility	C	Administrative Clerk I
	G	Parking Cashier I
	G	Parking Equipment Mechanic I
	G	Parking Equipment Mechanic II
	G	Parking Maintenance Worker I
	G	Parking Maintenance Worker II
	C	Parking Operations Assistant (sic)
	G	Parking Revenue Leadworker
	G	Parking Service Worker
	C	Parking Technical Aide
Parks	C	Administrative Clerk I
	C	Administrative Clerk II
	G	Arborist I
	G	Arborist II
	G	Athletic Field Caretaker
	G	Cemetery Operations Leadworker
	C	Clerk Typist II
	G	Conservation Maintenance Worker
	C	Conservation Parks Leadworker
	G	Construction Leadworker
	G	Equipment Operator I
	G	Equipment Operator II
	G	Equipment Operator III
	G	Facility Maintenance Worker
	G	Forestry Specialist
	G	Gardener
	G	Gardener-Lead
	G	Greenskeeper I
	G	Greenskeeper II

	G	Greenskeeper III
	G	Horticulturist
	G	Maintenance Mechanic I
	G	Maintenance Mechanic II
	G	Parks Equipment Mechanic I
	G	Parks Equipment Mechanic II
	G	Parks Maintenance Expeditor
	G	Parks Operations Leadworker
	G	Public Works Leadworker
	G	Public Works Maintenance Worker I
	G	Public Works Maintenance Worker II
	G	Public Works Maintenance Worker III
	G	Welder
Planning	C	Planning Technician
Plan Administration (Planning)	C	Administrative Clerk I
	C	Clerk Typist II
	C	Word Processing Operator I
	C	Word Processing Operator II
	C	Program Assistant I
	C	Planning Technician
Police	C	Administrative Clerk I
	G	Automotive Service Worker
	C	Clerk Typist II
	G	Parking Monitor
	G	Police Property Clerk
	C	Police Records Service Clerk
	C	Police Report Operator I
	C	Police Report Operator II
	C	Police Report Operator III
	C	Police Report Typist I
	C	Police Report Typist II
Real Estate	C	Real Estate Aide
	C	Economic Development Technician
Revenue	C	Administrative Assistant
	C	Administrative Clerk I
	C	Administrative Clerk II
	C	Assessment Aide I

		C	Assessment Aide II
		C	Clerk Typist II
		C	Council Administrative Secretary
		G	Property Appraiser I
		G	Property Appraiser II
		G	Property Appraiser III
		G	Property Appraiser IV
		C	Revenue Clerk
Senior Center	C		Administrative Clerk II
		G	Custodial Worker II
		C	Senior Center Program Assistant
		C	Senior Center Volunteer Coordinator
Streets	C		Administrative Clerk I
			Clerk II
		C	Streets Public Information Assistant
Traffic Engineer		G	Communication Technician I
		G	Communication Technician II
		G	Communication Technician III
		G	Communication Worker
		G	Electrical Operations Leadworker
		G	Engineering Aide I
		G	Engineering Aide III
		G	Facility Maintenance Worker
		G	Maintenance Mechanic II
		G	Maintenance Painter
		G	Sign Painter
		G	Storekeeper
		G	Traffic Control Maintenance Worker
		G	Traffic Count Worker
		G	Traffic Signal Electrician I
		G	Traffic Operations Leadworker
		G	Traffic Signal Electrician I
		G	Traffic Signal Electrician II
		G	Traffic Signal Maintenance Worker
		G	Video Technician
Transportation	C		Clerk Typist II
Water Utility		C	Account Technician II

C	Administrative Clerk I
C	Administrative Clerk II
G	Auto Mechanic
C	Clerk Typist II
G	Cross-Connection Control Officer
G	Dispatcher
G	Engineering Aide II
G	Engineering Technician I
G	Equipment Operator I
G	Equipment Operator II
G	Equipment Operator III
G	Maintenance Mechanic I
G	Maintenance Mechanic II
G	Maintenance Worker
G	Master Mechanic
G	Operations Clerk
G	Public Works Maintenance Worker I
G	Public Works Maintenance Worker II
G	Public Works Maintenance Worker III
G	Utility Vehicle Worker
G	Water Construction Inspector
G	Water Meter Field Worker
G	Water Hydrant Inspector
G	Water Meter Mechanic I
G	Water Meter Mechanic II
G	Water Meter Mechanic III
G	Water Meter Mechanic Leadworker
G	Water Meter Reader
G	Water Meter Reader Leadworker
G	Water On-Call Coordinator
G	Water Quality Aide
G	Water Services Inspector
G	Water Utility Operations Leadworker
G	Waterworks Maintenance Worker
G	Waterworks Operator I
G	Waterworks Operator II

"C" denotes a clerical position and "G" denotes a general position. Appendix C provides benefits and rights for seasonal and hourly employees in various positions including the Operations Manager, Drafting Technician, and Engineering Aide. Appendix G provides benefits and rights for Crossing Guards.

6. On January 17, 1995, Laborers Local 236 filed a petition with the Wisconsin Employment Relations Commission requesting that the Commission clarify the bargaining unit represented by Laborers Local 236 by including the following unrepresented positions:

<u>Position</u>	...	<u>Department</u>
Ticket Taker	...	Civic Center
Ushers	...	Civic Center
Civil Tech II	...	Engineering Division
Surveyor I	...	Engineering Division
Surveyor II	...	Engineering Division
Engr. Prog. Spec. I	...	Engineering Division
Engr. Prog. Spec. II	...	Engineering Division
Engr. Tech. II	...	Engineering Division
Operations Clerk	...	Streets Division
Laborer	...	Municipal Building

The stated reasons for the proposed inclusion are that the employees occupying the positions do work which is similar to the work performed by employees represented by Laborers Local 236 and that the positions in the Engineering Division are a natural progression for promotions. On January 31, 1995, AFSCME Local 60 intervened in this proceeding and asserted that the positions sought by Laborers Local 236 properly belong in the bargaining unit represented by AFSCME Local 60. At the time of hearing on the petition, August 3 and August 25, 1995, the following positions remained in dispute: Operations Clerk in the Streets Division; Engineering Program Specialist I and II; and Civil Technician I and II. The parties agree that employees occupying these positions are municipal employees within the meaning of MERA. The sole issue in dispute is whether these positions should be included in the AFSCME Local 60 bargaining unit or the Laborers Local 236 bargaining unit.

7. In 1987, the City announced an opening in the position of Operations Clerk - Streets Division. The position description for this vacancy includes the following:

General Responsibilities: This is clerical, fiscal, and semi-skilled operations/dispatching work in the Street Division. Work involves keeping time records, preparing payroll information, keeping up-to-date labor, equipment and time cost data and charges, dispatching crews, and maintaining radio communications. The employee provides the public information on Street Division

services and resolves complaints. Work is performed under general supervision.

Examples of Duties and Responsibilities: Provide information to public regarding refuse, brush, and large item collections; snow plowing; division regulations, ordinances, etc. Compose script and record message on information line answering machine. Operate two-way radio base station; dispatch trucks and personnel; receive incoming messages; refer problems to appropriate supervisor or maintenance shop for resolution. Maintain production records; daily time records; labor, equipment, and materials records. Compile daily, weekly, monthly, and year-end reports on work productions. Maintain files in operations area. Type correspondence, refuse and snow and ice routes; files; order office supplies, vehicle fuel for tanks at W. Badger Road; prepare requisitions and contract releases for purchases; take inventories and assist in making estimates of future needs in equipment and materials. Operate automotive equipment when necessary; maintain security of office and related areas. Provide leadership to assigned assistants. Operate B-21 computer. Perform related work as required.

MINIMUM QUALIFICATIONS REQUIRED AT TIME OF APPLICATION:

Knowledge, Skills and Abilities: Working knowledge of financial and operational recordkeeping principles and practices; knowledge of inventory procedures; knowledge of the uses for radio communications equipment; ability to make accurate mathematic comparisons and computations; ability to understand diagrams, plans, and installation procedures; ability to establish and maintain effective working relationships with the public and staff.

Training and Experience: Three years' experience in fiscal clerical work and in the keeping of financial records. Graduation from high school, trade school, or equivalent, supplemented by courses in bookkeeping or accounting. Other combinations of training and/or experience which can be demonstrated to result in the possession of the knowledge, skills and abilities necessary to perform the duties of this position will also be considered.

Necessary Special Qualifications: Possession of a valid driver's license or the ability to meet the transportation requirements of this

position.

In August of 1993, the City Personnel Board approved the following position descriptions:

ENGINEERING PROGRAM SPECIALIST I

CLASS DESCRIPTION

General Responsibilities:

This is responsible program coordination, project, and specialized field work in a professional engineering environment. The work involves direct responsibility for specialized programs, projects, and activities relating to the support of engineering staff and projects. Positions at this level perform technical and quasi-professional functions such as conducting field surveys and evaluations, preparing plans and specifications, and coordinating regulated facilities/activities (e.g., underground storage tanks, waste oil collection, landfill monitoring, etc.). Under the supervision of a professional engineer or manager, positions at this level function independently in area(s) of responsibility. The work may involve leading or supervising other staff on a temporary or permanent basis.

Examples of Duties and Responsibilities:

Conduct field surveys and evaluations of existing storm sewer structures and systems. Prepare storm sewer, detention/retention basin, and greenway plans and specifications or oversee the work of other staff. Set inlet structure elevations and inlet lead grades to compliment main design. Design and prepare endwall plans and specifications for select storm sewer pipes and boxes requiring modification.

Serve as coordinator and liaison person to City departments, Federal, and State agencies, consultants, and contractors relative to City-owned underground storage tank (UST) activities. Schedule and inspect UST testing, removal,

replacement, and site remediation in compliance with State and Federal regulations. Prepare site plans and specifications for installation of new fuel dispensing facilities. Maintain records, prepare reports, review billings and recommend payment.

Prepare and submit necessary permit applications and forms relative to the City's Waste Oil Collection facilities. Prepare plans and specifications for new waste oil tanks and secondary containment structures.

Coordinate the sanitary sewer television inspection program. Prepare requests and location maps for major street construction, street reconstruction, and resurfacing programs and as part of the acceptance procedure for new construction projects. Review TV reports and manhole evaluations for observed structural problems and identify situations requiring possible remedial action.

Coordinate landfill gas, water, and leachate monitoring operations including landfill gas pumping, leachate and water monitoring, incineration of landfill gas, and collection and reporting of data to the Department of Natural Resources (DNR).

Organize, direct, and inspect the work of City crews involved in the maintenance, repair, and construction of water and gas monitoring facilities. Get bids, determine contractors, and inspect work of private contractors as necessary.

Train and oversee the activities of staff involved in regular pumping, sampling, and maintenance activities relative to landfill monitoring. Collect data and draft reports to DNR. Assist the Public Health Department in dedicating wells and taking and testing samples.

Perform related work as required.

QUALIFICATIONS

Knowledges, Skills and Abilities:

Knowledge of standard engineering nomenclature;

mathematics; and fundamental principles, practices and techniques. Knowledge of drafting, surveying and engineering design practices and techniques, including basic familiarity with computer assisted drafting (CAD). Working knowledge of the policies; practices; procedures and governing laws, ordinances, and/or regulations pertaining to the department/division and specific area of engineering. Working knowledge of computer terminology, usage, and engineering applications. Ability to plan, coordinate and carry out on-going program(s) or areas of responsibility. Ability to interpret and explain engineering plans, specifications, and other technical documents and projects to subordinate staff, other agencies, and the public. Ability to perform and coordinate the performance of technical work including drafting and the assembly, recording, compilation, tabulation and analysis of data. Ability to maintain good working relationships with staff, member of other agencies, and the general public. Ability to communicate effectively, both orally and in writing. Ability to follow oral and written instructions. Ability to dispense technical information quickly, accurately and in a tactful and courteous manner over the telephone, in writing, and in person to members of the general public. Ability to perform engineering design work and to review the work of others. [NOTE: some of these requirements may be position specific. Others job-related requirements may be added on a position-by-position basis.]

Training and Experience:

Two years of technical engineering support experience including drafting, surveying, and/or other related responsibilities. Such experience would normally be gained after completion of at least two years of post-high school education in the area of engineering or civil technology, engineering, or a closely related field. Additional closely related education may be substituted on a year-for-year basis for up to one year of general experience. Other combinations of training and/or experience which can be demonstrated to result in the possession of the knowledges, skills and abilities necessary to perform the duties of positions in this class will also be considered.

Necessary Special Qualifications:

Ability to meet the transportation requirements of the position.

ENGINEERING PROGRAM SPECIALIST II

CLASS DESCRIPTION

General Responsibilities:

This is responsible program coordination/administration and project work in a professional engineering environment. The work involves direct responsibility for a wide range of specialized programs, projects, and activities relating to the support of engineering staff and projects. Positions at this level perform technical and quasi-professional functions such as plan preparation and/or review, preparation of on-going and periodic studies and technical reports, communication with contractors and the public, policy and plan interpretation, and field inspection of projects and program activities. Under the limited supervision of a professional engineer or manager, positions at this level function independently, serve as experts in specialized areas, and recommend policy and/or procedure changes as appropriate. The work may involve leading or supervising other staff on a temporary or permanent basis.

Examples of Duties and Responsibilities:

Administer the Underground Residential and Commercial District (URD/UCD) Street Light Program. Review preliminary and final plats and design street lighting as needed. Develop assessment schedules, prepare reports and resolutions for the Board of Public Works (BPW) and the Common Council (CC), and present projects to these groups when required. Coordinate the installation of street lights by a local public utility and perform or coordinate field inspections. Authorize payment, negotiate resolution to problems, and communicate with various organizations and

individuals relative to the projects.

Administer the semi-permanent pavement marking program. Evaluate existing markings to determine needs and feasibility of using semi-permanent marking. Determine a project and budget schedule for the year and coordinate with the Engineering Division. Design the pavement marking layout; prepare necessary resolutions, contracts and specifications; have plans prepared by support staff; and present project to the BPW and CC. Meet with contractor to develop work schedule. Conduct or coordinate the inspection of the contractor's work.

Coordinate the development of street signing plans. Design the signing needed for streets to be constructed during the year. Develop a plan using City, State and Federal standards and prepare final drawings or have them prepared by support staff. Review work as it is performed and determine if additional signing is needed.

Oversee such areas as the City's truck route system, speed limits, neighborhood traffic and vision clearance problems. Receive and review questions, complaints, and problems from all sources. Investigate problems, conduct or oversee the conducting of detailed field and records studies to determine the actual nature and severity of the problem(s).

Recommend system, policy, and/or procedural changes to resolve the issue or problem. Communicate with affected and/or interested parties to explain the process and the results.

Coordinate the completion of research and special studies requested by professional staff or needed to carry out other responsibilities. Make assignments, research historical and current data files from all pertinent sources, and arrange data collection as necessary. Compile and analyze resultant information and prepare reports and recommendations or contribute to the work being done by other professional staff.

Coordinate, negotiate, and draft contracts and specifications for the construction of public improvements (e.g., sewer,

water, erosion control, storm sewers, streets, etc.) by private contractors in private subdivisions. Set up and attend meetings between developers and Engineering Division staff to establish construction phases and schedules for proposed developments. Estimate costs, fees, and sureties required. Maintain and update subdivision contracts.

Coordinate the review of preliminary plans for proposed commercial and residential developments, rezonings, and subdivisions sent from the Department of Planning and Development. Initially review them and route through all sections of the Engineering Division for review and comment. Organize all comments and draft appropriate letters to Plan Commission stating the conditions of approval. Attend meetings with other city staff to discuss comments and proposed conditions. Answer inquiries from developers. Maintain record system for projects reviewed by Engineering Division.

Oversee the preparation, coordination, and monitoring of the Madison Sewer Utility budget and rate structures. Collect current and projected data from all relevant sources (e.g., Comptroller's Office, City agencies, Madison Metropolitan Sewerage District, etc.) and use to develop final budget and rate structure documents. Communicate new rates to Water Utility for incorporation into the billing process.

Coordinate the billing of Industrial Sanitary Sewer Surcharge customers. Collect and record pertinent data. Analyze and deal with complaints. Recalculate or revise bills or billing rates as appropriate.

Coordinate the Sanitary Sewer sampling process including training, scheduling, and Coordinate the maintenance of storm and sanitary sewer records. List new assets

Review and approve parking lot site plans including determination of lighting layout and driveway access, for conditional use and Planned Unit Development proposals.

Oversee the annual citywide machine traffic count program. Coordinate the preparation of the annual traffic flow map and

annual traffic volume report.

Assist in the development of computerized traffic modeling systems and perform traffic capacity and other computer-assisted traffic planning studies.

Perform related work as required.

QUALIFICATIONS

Knowledges, Skills and Abilities:

Knowledge of standard engineering and/or traffic engineering nomenclature; mathematics; and fundamental principles, practice and techniques. Knowledge of drafting, surveying and engineering design practices and techniques, including basic familiarity with computer assisted drafting (CAD). Working knowledge of the policies; practices; procedures and governing laws, ordinances, and/or regulations pertaining to the department/division and specific area of engineering. Working knowledge of computer terminology, usage, and engineering applications. Ability to plan, coordinate and carry out on-going program(s) or areas of responsibility. Ability to interpret and explain engineering plans, specifications, and other technical documents and projects to subordinate staff, other agencies, and the public. Ability to perform and coordinate the performance of technical work including drafting and the assembly, recording, compilation, tabulation and analysis of data. Ability to maintain good working relationships with staff, members of other agencies, and the general public. Ability to communicate effectively, both orally and in writing. Ability to follow oral and written instructions. Ability to dispense technical information quickly, accurately and in a tactful and courteous manner over the telephone, in writing, and in person to members of the general public. Ability to perform engineering design work and to review the work of others. [NOTE: Some of these requirements may be position specific. Others job-related requirements may be added on a position-by-position basis.]

Training and Experience:

Two years of responsible engineering support experience as an Engineering Program Specialist I for the City of Madison or equivalent including one year in the specific area of engineering (e.g., civil, traffic, etc.). Such experience would normally be gained after completion of at least two years of post-high school education in the area of engineering or civil technology, engineering, or a closely related field. Additional closely related education may be substituted on a year-for-year basis for up to one year of general experience. Other combinations of training and/or experience which can be demonstrated to result in the possession of the knowledges, skills and abilities necessary to perform the duties of positions in this class will also be considered.

Necessary Special Qualifications:

Ability to meet the transportation requirements of the position.

CIVIL TECHNICIAN I

CLASS DESCRIPTION

General Responsibilities:

This is basic technical support work performed in a professional engineering and public works construction environment. The work involves performing field and office tasks such as: technical drafting work, assisting in construction inspection and documentation, making field measurements, and performing other related tasks. The work is performed under the direct supervision of higher level technical or professional staff and is reviewed in progress and upon completion. Movement to the Civil Technician II level is based on demonstrated ability to perform more complex and/or comprehensive technical support functions.

Examples of Duties and Responsibilities:

Assist with the preparation of materials for public works construction projects by preparing basic sketches, drafting routine segments of overall plans, and making calculations, as assigned.

Draft construction plans and records for streets, sewer, landfills, and other public works projects using field and survey notes, aerial photos, existing plans and "as built", etc.

Design visual aids and displays for research reports and public information meetings.

Use computer techniques and software, including computer assisted drafting, to perform a wide range of technical support functions.

Calculate and estimate quantities for construction bids.

Maintain permanent storm and sanitary sewer record system for the Engineering Division.

Perform minor maintenance and monitoring of landfill gas collection, gas incineration, and leachate collection systems and ground water systems.

Assist with construction inspection activities to ensure compliance with contract specifications and other requirements. Take measurements, monitor and record material quantities and other required information. Prepare "as built" drawings of completed construction projects.

Perform related work as required.

QUALIFICATIONS

Knowledges, Skills and Abilities:

Knowledge of drafting techniques, materials and tools, including basic familiarity with computer assisted drafting (CAD). Knowledge of standard engineering nomenclature and mathematics including geometry and trigonometry. Some knowledge of surveying techniques and equipment. Working knowledge of the methods and techniques for inspecting public works construction projects. Ability to make neat and legible technical drawings. Ability to perform mathematical computations quickly and accurately. Ability to read detailed maps, plans and specifications. Ability to follow instructions and established procedures. Ability to establish and maintain effective working relationships with internal staff and with persons in other agencies contractors and the public. Ability to perform field work including observations, measurements, data collection, survey crew work, and construction inspection activities.

Training and Experience:

Two years of experience performing technical office and/or field work in support of engineering activities. Such experience would normally be gained after completion of high school or equivalent (including two years of math and/or mechanical drawing). Vocational school or college training in the area of civil engineering technology or a closely related area may be substituted on a year-for-year

basis for the experience. Other combinations of training and/or experience which can be demonstrated to result in the possession of the knowledges, skills and abilities necessary to perform the duties of positions in this class will also be considered.

Necessary Special Qualifications:

Ability to meet the transportation and mobility requirements of the position and to perform the physical work associated with construction inspection and other field activities.

CIVIL TECHNICIAN II

CLASS DESCRIPTION

General Responsibilities

This is skilled technical support work in a professional engineering and public works construction environment. The work involves independently performing and/or overseeing a variety of tasks such as: technical drafting of plans, maps, drawings and layouts; developing and/or using computer applications; making routine engineering computations; performing construction inspection activities; and performing other related field and office work. The work at this level differs from that at the Civil Technician I level in terms of technical complexity, comprehensiveness of assignments and independence of action. The work is performed under the general direction of higher level technical or professional staff and typically is reviewed upon completion.

Examples of Duties and Responsibilities

Draft plans, maps, details, layouts and other materials for bid and construction purposes, records/map maintenance, preliminary project work, presentations and reports. Draft by hand using computer-aided drafting/mapping software. Use information from surveyor notes, field observations, previous maps and plans, and other source to prepare materials.

Create and convert scaled drawings as requested. Prepare and convert, "as built" drawings of completed projects. Lead other employees performing related work.

Organize, layout, and prepare complete project plans for construction of streets, highways, sewers, drainage system, landfill, and/or other public improvement projects. Prepare specification documents for uncomplicated equipment purchase and public works improvements.

Perform construction inspection activities including: measuring, monitoring, and recording quantities; quality; time of delivery; and installation of construction materials to ensure compliance with contract specifications and other requirements. Compute and estimate quantities for construction bids and contract payments.

Inspect, photograph, catalogue, and measure existing field conditions for inclusion in maps and plans. Measure and scale existing structures and/or topography to be used in maps, plans, reports and other materials.

Use computer techniques and software, including computer assisted drafting, to perform a wide range of technical support functions. Assist in the development of specialized applications.

Check horizontal and vertical alignments, estimates, material schedules, and construction time for public works projects. Interpret contract documents, contractor communications, and land records.

Assist with the design of streets using coordinate geometry to develop planimetric layouts. Calculate grades from vertical street alignments.

Perform maintenance and monitoring of landfill collection, gas incineration, leachate collection systems and ground water systems.

Research and provide information to the public and contractors in a variety of areas relating to the work of the agency.

Maintain and update the official map and official corporate limits. Draft sketches and details, prepare legal descriptions, prepare resolutions and schedule Common

Council Action, draft and process notices of public hearing and other related materials for street vacations, relocation orders and official map changes.

Provide information to the general public, land surveyors, other municipalities, utility companies, the City Planning and Development Department and others relative to legal descriptions, easements, ownership of property, new plats and other areas of official record. Maintain related files and information.

Perform related work as required.

QUALIFICATIONS

Knowledges, Skills and Abilities:

Considerable technical knowledge of drafting techniques, surveying and related engineering practices, procedures, materials and tools, including working knowledge of computer assisted drafting (CAD) principles and techniques. Knowledge of standard engineering nomenclature and mathematics including geometry and trigonometry. Working knowledge of surveying techniques and equipment. Ability to make neat and legible technical drawings. Ability to perform mathematical computations quickly and accurately. Ability to use calculators, and linear area calculating devices. Ability to read detailed maps, plans and specifications. Ability to contribute to the preparation of technical reports. Ability to perform field work including observations, measurements, data collection, survey work, and construction inspection activities.

Training and Experience:

Three years of experience performing technical office and/or field work in support of engineering activities, including at least one year in a position comparable to the City class of Civil Technician I. Such experience would normally be gained after completion of high school or equivalent (including two years of math and/or mechanical drawing). Vocational school or college training in the area of civil

engineering technology or a closely related area may be substituted up to two years of experience. Other combinations of training and/or experience which can be demonstrated to result in the possession of the knowledges, skills and abilities necessary to perform the duties of positions in this class will also be considered.

Necessary Special Qualifications

Ability to meet the transportation and mobility requirements of the position and to perform the physical work associated with construction inspection and other field activities.

At the time of hearing, the City did not employ a Civil Technician I. When creating the Civil Technician series in 1993, the City recognized the existence of a career ladder between the Civil Technician I position and a Civil Technician II position and provided for movement to the higher level based on demonstrated ability to perform more complex and/or comprehensive technical support functions. In 1993, the City created the "Engineering Program Specialist" series because it had determined that a number of Engineering Technician positions performed a variety of specialized support activities which set the positions apart from other Engineering Technicians. At that time, Gary Dallmann and James Grey were reallocated from Engineering Technician II to Engineering Program Specialist II and Mark Komurka and Wayne Rippl were reallocated from Engineering Technician I to Engineering Program Specialist I.

8. The Streets Division has three major work sites, i.e., a Sycamore Avenue facility; a West Badger Road facility; and a transfer station. There is a maintenance shop at the Sycamore Avenue facility and at the West Badger Road facility. The Sycamore Avenue facility also contains a refuse drop-off site. Laborers Local 236 represents Streets Division employees who work in the field and in the maintenance shops. Laborers Local 236 does not represent any Streets Division employees who work in offices. Streets Division employees represented by Laborer's Local 236 perform blue collar work, e.g., constructing and maintaining roads; salting and plowing roads; refuse pick-up; and equipment operation and maintenance.

West Badger Road is the main office of the Streets Division. The West Badger Road facility has an office which is the work site of the following Streets Division employees: a Recycling Coordinator, a Payroll Clerk, a Public Information Assistant, the occupant of the disputed Operations Clerk position, an Administrative Secretary, a General Public Works Supervisor and a Streets Superintendent. The Streets Superintendent, Roger Goodwin, is the head of the Streets Division. The positions of Streets Division Administrative Secretary and Operations Clerk are

unrepresented. The positions of Streets Division Payroll Clerk and Public Information Assistant are represented by AFSCME Local 60.

The Administrative Secretary, who is Goodwin's personal secretary, devotes approximately fifty percent of her work time to performing administrative work. The remainder of the Administrative Secretary's work time is devoted to public information duties, which duties include responding to telephone calls from the public and providing assistance to members of the public who visit the West Badger Road office.

9. With the exception of minor changes, the position of Operations Clerk in the Streets Division is as described in the 1987 announcement set forth in Finding 7. Walter Meyer, the Operations Clerk at the West Badger Road facility, devotes approximately seventy percent of his work time to public information duties, i.e., receiving and responding to information requests and complaints from the public. Although the majority of Meyer's contact with the public is over the telephone, Meyer also provides assistance to members of the public who visit the office. Virtually all of Meyer's remaining work time involves the use of the two-way radio. Meyer uses the two-way radio to advise field staff of the public's concerns and to coordinate the Department's response to these concerns. Generally, Meyer's two-way communication is with supervisory personnel. Meyer has contact with employees represented by Laborers Local 236 who come to the office to deliver sick leave documentation or to provide notification that the employee intends to leave work early.

The Administrative Secretary assists Meyer with telephone calls from the public, as needed, but the Public Information Assistant is the primary back-up for Meyer and will fill-in for Meyer as needed. The Payroll Clerk will respond to public information requests if other staff is not available. The Public Information Assistant, unlike Meyer, performs work outside of the office. Approximately two-thirds of the Public Information Assistant's work time is in the office. Approximately fifty percent of this office time is devoted to the same type of public information duties performed by Meyer.

The Administrative Secretary reports to Goodwin and the Payroll Clerk reports to the Administrative Secretary. The Public Information Assistant reports to the Recycling Coordinator and the Recycling Coordinator reports to Goodwin. Meyer is supervised by the General Public Works Supervisor, who is supervised by Goodwin. The Payroll Clerk has considerable interaction with employees represented by Laborers Local 236.

The Payroll Clerk, the Public Information Assistant, and Meyer work 7 3/4 hours per day and have a paid lunch. Meyer begins work at 6:45 a.m.; the Payroll Clerk and the Administrative Secretary begin work at 7:30 a.m.; and the Public Information Assistant begins work at 8:00 a.m.

Tim Corcoran is employed as an Operations Clerk in the Streets Division and works in an office located at 4602 Sycamore Avenue, Madison, Wisconsin, as do the following Streets Division employees: a Public Information Assistant, an Administrative Clerk, a foreman, an Operations

Manager, a General Public Works Supervisor, and one other supervisor. Kathy Colwill, the Administrative Clerk, and the foreman work in the same area as Corcoran. The Operations Manager, the General Public Works Supervisor, and the other supervisor have private offices. The Sycamore Avenue Streets Division office is located in a building which also houses offices of the City Parking Division and the City Forestry Department. At least fifty percent of Corcoran's work time involves the same public information duties which are performed by Meyer. Corcoran also has telephone and personal contact with City employees. The vast majority of this contact concerns work which is being done by the Streets Division for other City departments and vice-versa. A large percentage of Corcoran's remaining work time involves the maintenance of production records, e.g., recording work performed, recording the hours of work, and recording the employees who performed the work. Approximately ten per cent of Corcoran's total work time involves other types of record keeping. In performing his various duties, Corcoran communicates with Streets Division foremen via a two-way radio which is located at Corcoran's desk. Twenty-five to thirty per cent of Corcoran's work time involves the use of this two-way radio. On occasion, Corcoran will use the two-way radio to contact Streets Division employees represented by Laborers Local 236 to relay information, such as complaints from the public, or to notify the employee of a work assignment. Corcoran monitors the use of sick leave by Streets Division employees represented by Laborers Local 236. If an employee has forty-eight hours of unexcused sick leave, Corcoran types up a letter advising the employee that the employee must submit an excuse within a specified time period and presents the letter to a Streets Division's foreman for the foreman's signature. Meyer performs similar sick leave monitoring duties. Administrative Clerk Colwill and the Public Information Assistant at the Sycamore Avenue facility are represented by AFSCME Local 60. The Public Information Assistant at the Sycamore Avenue facility performs the same type of work as the Public Information Assistant at the West Badger Road facility. Thirty to forty percent of Colwill's work time is devoted to the public information duties performed by Corcoran. A substantial portion of Colwill's work time involves the maintenance of materials records. Colwill will answer the two-way radio if Corcoran is busy. Colwill has the primary responsibility to provide typing services to Streets Division supervisory personnel who are employed at the Sycamore Avenue facility, but Corcoran assists with these duties as needed. Corcoran maintains records on salt routes, refuse routes, plowing areas, etc. These records are maintained on a recently installed computer. Colwill has not been trained to use this computer, but is expected to receive such training in the future. Corcoran works 7:00 a.m. to 3:30 p.m. Colwill works 7:30 a.m. to 4:00 p.m. While Corcoran and Colwill's duties overlap to the extent that they can substitute for each other, Colwill does not perform Corcoran's route or sick leave duties and Corcoran does not maintain the materials used records. Corcoran works a forty-hour week and has a half hour unpaid lunch. Colwill and the Public Information Assistant work a seven and three-quarters day and have a paid lunch.

Corcoran's immediate supervisor is the General Public Works Supervisor. The General Public Works Supervisor also has supervisory authority over Colwill and the Public Information Assistant. The Operations Manager, who is the immediate supervisor of the General Public Works Supervisor, has supervisory responsibility over all employees at the Sycamore Avenue facility.

Meyer and Corcoran, the only Operations Clerks in the Streets Division, earn between thirteen and fourteen dollars per hour. The Public Information Assistants represented by AFSCME Local 60 receive a similar wage rate. Laborers Local 236 also represent employees who have a similar wage rate. Employees represented by Laborers Local 236 generally work a forty hour week, Monday through Friday, and have a twenty minute paid lunch. Although the Streets Division employees represented by Laborers Local 236 work a variety of schedules, first shift employees generally start work between 6:00 a.m. and 7:00 a.m. The employees represented by AFSCME Local 60 work a variety of schedules, including an eight hour day schedule and a seven and three-quarter hour day schedule. Employees represented by AFSCME Local 60 may have a paid, or an unpaid, lunch.

10. Laborers Local 236 represents the only Operations Clerk employed in the City Engineering Division and has represented this position for at least eighteen years. This Operations Clerk works in an office of the Engineering Division which is located at 1602 Emil Street, Madison, Wisconsin. The Emil Street facility houses the operations section and the construction section of the Engineering Division. The Emil Street facility employs approximately fifty permanent employees and twelve to fifteen hourly employees. The primary function of the operations section is to maintain the public sanitary sewers, storm sewers and closed landfills. The Engineering Operations Clerk is the only clerical employee at the Emil Street facility. The Engineering Operations Clerk reports directly to the Engineering Operations Supervisor. Laborers Local 236 is the only labor organization to represent Engineering Division employees at the Emil Street facility. When the Engineering Operations Clerk is absent from work, the Operation Clerk's duties are performed by an employee represented by Laborers Local 236. Vacancies in the Engineering Operations Clerk position have been filled, on a temporary basis, by Engineering Division employees represented by Laborers Local 236. The job description of the current Operations Clerk - Engineering Division is as follows:

General Responsibilities: This is clerical, fiscal and semi-skilled operations/dispatching work in the Engineering Division of the Public Workers Department. Work involves keeping time records, preparing payroll information, keeping labor, equipment and time cost data and charges, dispatching crews, and maintaining radio communications. Work is performed under general supervision, yet an employee is expected to exercise judgment and discretion within their area of assigned responsibilities.

Examples of Duties and Responsibilities: Maintain a variety of time, labor and materials records; allocate time costs to proper budget accounts; classify and record repairs and additions to sanitary and storm sewer systems; compile monthly and year-end reports on

work production levels and divisional activities. Coordinate purchasing activities. Maintain sewer maintenance records. Provide information to the public and others regarding divisional activities. Prepare periodic status reports as requested. Coordinate and oversee the activities of employees assigned to the field office on a light duty basis. Act on requests for services by notifying the appropriate supervisor and/or dispatching crews and equipment on emergency calls. Maintain radio contact with field vehicles to provide information or relay communications. Develop formats and enter data per a microcomputer terminal in the maintenance of automated recordkeeping systems. Provide general office clerical support including the development and maintenance of recordkeeping systems and the provision of data for analytical reports.

MINIMUM QUALIFICATIONS REQUIRED AT TIME OF APPLICATION:

Knowledges, Skills and Abilities: Working knowledge of financial and operational recordkeeping principles and practices as related to labor, materials and equipment costing; knowledge of inventory procedures; ability to make accurate mathematic comparisons and computations; ability to understand related diagrams, plans and installation procedures; ability to establish and maintain effective working relationships. Ability to communicate effectively utilizing dispatching equipment. Ability to coordinate the work of other employees. Ability to utilize computer software and a data terminal in the maintenance of automated recordkeeping systems using database, spreadsheet and word processing software. Ability to prepare routine correspondence and incidental typing assignments. (Note: A standard typing exam will be given to those applicants certified for interview. There is no pre-established minimum speed requirement.)

Training and Experience: Three years of fiscal recordkeeping experience. Graduation from high school, trade school or equivalent, supplemented by courses in bookkeeping or accounting. Other combinations of training and/or experience which can be demonstrated to result in the possession of the knowledges, skills and abilities necessary to perform the duties of this position will also be considered.

Necessary Special Qualifications: Ability to meet the

transportation requirements of this position.

11. Dean Braund has been the Operations Clerk in the Motor Equipment Division of the City Traffic Department since 1968. Braund and two shop foremen work in the main office of the Motor Equipment Division, which office is located on North First Street. All of the other regular employees of the City who work at the North First Street location are employees of the Motor Equipment Division and are represented by Laborers Local 236. Braund's primary work duties involve the purchase, maintenance and disposition of City vehicles assigned to public works, traffic engineering, and the police department. In performing this function, Braund prepares work orders; enters work orders into the computer; tracks work orders; schedules the daily work of employees who service the motor vehicles; prepares purchase orders; prepares documents for fleet acquisition and disposition; maintains fleet inventory records; and answers the telephone. The work orders involve routine maintenance, as well as requests for repairs. While Braund may have telephone contact with members of the public, normally his telephone contact is with City employees who have problems or questions concerning City vehicles. In addition to the telephone, Braund uses a two-way radio, key cutting equipment and a computer. When Braund is absent from work, his duties are performed by a foreman or by an employee represented by Laborers Local 236. Braund is supervised by the Shop Foreman, who also supervises the employees represented by Laborers Local 236. At the conclusion of the 1994-95 collective bargaining agreement, Operations Clerks represented by Laborers Local 236 had bi-weekly wages which ranged between \$1152 and \$1217. At one time, AFSCME Local 60 represented an Operations Clerk in the Traffic Engineering Department, but that position does not currently exist in the City's table of operations.

12. AFSCME Local 60 represents an Operations Clerk in the City Water Department and the most recent position description includes the following:

NATURE OF WORK:

This is clerical, fiscal and semi-skilled work in the Water Department. Work is varied and involves review and control of forms and procedures utilized by field personnel in work relating to customer accounts. This related work includes: (1) meter reading, changing, repairing, testing and installing; (2) processing, record keeping, billing, and installing new service connections, and hydrant connections, and (3) inspecting, notifying and adjusting bills for problem accounts. This position would bring together clerical workloads dealing with plumbers, contractors, problem inspections and meter readings. It would handle essential scheduling and organizing of both forms and procedures dealing with all of the above, including bookwork involving field inspectors and meter

readers; plus handling meter information records via data processing maintenance. Related work is performed as required. This position requires someone who will have a good working relationship with utility field personnel, contractors and plumbers and the general public.

DESIRABLE KNOWLEDGES, ABILITIES AND SKILLS:

Knowledge of inventory procedures; knowledge of financial record keeping relating to materials and equipment; ability to make arithmetical calculations; ability to make accurate mathematical comparisons and computations; ability to meet and converse with the public with tact and courtesy; ability to keep records and prepare reports. Ability to read and understand conditions diagrams, plans and installation procedures; ability to operate dispatching equipment.

All of the employees in the Water Department who are represented by a collective bargaining representative are represented by AFSCME Local 60. At the end of the 1993 collective bargaining agreement, the Operations Clerk position represented by AFSCME Local 60 had a base wage rate which ranged between \$988 and \$1111 bi-weekly.

13. The principal work place of employees occupying the disputed positions of Engineering Program Specialist I, Engineering Program Specialist II, and Civil Technician I and II is the Engineering Division's central office, which is a two office suite in the City-County building. The City Engineer, the Assistant City Engineer, the Hydrogeologist, various Civil Engineers, and the four Engineering Division employees represented by AFSCME Local 60, i.e., Administrative Clerk I Herbst, Administrative Clerk I Rideout, Administrative Clerk I Hacker and Clerk Typist I Ziegler, also work in the central office.

The Administrative Clerk I class description includes the following duties and responsibilities: establish filing and recordkeeping systems; disseminate information on program policies and procedures; establish and maintain routine budget and financial records; initiate routine correspondence and intra-office communications; prepare reports, documents and correspondence under the supervision of a professional employee or administrative supervisor; research information; tabulate and format data; and perform other miscellaneous administrative and clerical duties. Employees in the Clerk Typist I position perform a variety of duties, e.g., post information to records; check and proof-read records for errors; sort and file records; make routine mathematical calculations; sort, distribute, and dispatch mail; pack, unpack, and check in office materials; answer the phone; receive the public; type; and answer routine referrals. Administrative Clerk I Herbst works in the Development and Permits Section, as does Engineering Program Specialist Dallmann and Civil Technician Coon. Administrative Clerk's Rideout, Hacker and Clerk Typist I Ziegler work in the Administration and Contracts section. Rideout and Hacker provide secretarial services to the professional and managerial employees in Engineering Division central office, as well as to the Civil Technicians and the Engineering Program Specialists. The Administrative Clerks assist the Engineering Program Specialists with data collection and report preparation. Rideout's specialized duties include the preparation of personnel forms, payroll and public contract administration. Public contract administration duties include tabulating bids; preparing and

processing contracts; and reviewing contract files to ensure that the files contain the documentation necessary to issue disbursements to the contractor. When performing public contract administration duties, Rideout exchanges information with the Construction Inspectors. Hacker's specialized duties include the preparation of the agendas for the Board of Public Works; the preparation of public works resolutions; and the preparation of development correspondence. Hacker also serves as the personal secretary to the City Engineer. Herbst's specialized duties include processing street opening permits, receiving visitors at the front desk, and responding to requests for information on storm sewers, sanitary sewers, federal insurance rate maps and policies of the Engineering Division. Civil Technician Coon and Engineering Program Specialist Dallmann also receive visitors at the front desk and may be called upon to respond to more technical information requests. Engineering Division professional employees, as well as the Civil Technicians and the Engineering Program Specialists, may do their own word processing. Engineering Program Specialists fill in for employees represented by AFSCME Local 60 as necessary to expedite a report or correspondence. The Engineering Division Administrative Clerks have access to the same software, spread sheets, and data bases as the Civil Technicians and may assist these employees with routine duties. Administrative Clerks in the Engineering Division are not required to have knowledge of manual drafting or computer drafting.

AFSCME Local 60 represents City employees who work within the City-County Building. Laborers Local 236 does not represent employees who work in offices within the City-County Building. Engineering Division employees represented by Laborers Local 236 may visit the central office to exchange work related information and/or materials, but these employees principally work in the field or at the Emil Street facility. At times, the Engineering Program Specialists and Civil Technicians perform work outside of the central office. However, Civil Technician Clark, who is in the office at least eighty percent of his work time, is the only Engineering Program Specialist or Civil Technician to perform more than a de minimis amount of work outside of the central office.

The Engineering Program Specialists, Civil Technicians, and Engineering Division employees represented by AFSCME Local 60, work 38 and 3/4 hours per week and have an unpaid forty-five minute lunch period. Engineering Division employees represented by Laborers Local 236 work 40 hours per week and have a paid twenty minute lunch period which is taken at the job site. Employees represented by AFSCME Local 60, employees represented by Laborers Local 236, and the Civil Technicians and the Engineering Program Specialists have similar, but not identical, fringe benefits. In 1993, the Civil Technician I was assigned to Compensation Group/Range 17-14, with an annual rate of \$27,170 to \$30,432, without longevity; the Civil Technician II was assigned to Compensation Group/Range 17-16, with an annual rate of \$28,776 to \$32,877, without longevity; the Engineering Program Specialist I was assigned to Compensation Group/Range 18-06, with an annual rate of \$30,536 to \$35,954, without longevity; and the Engineering Program Specialist II was assigned to Compensation Group/Range 18-08, with an annual rate of \$33,122 to \$39,304, without longevity. In 1993, the Administrative Clerk I position represented by AFSCME Local 60, which is a higher classification than the Clerk Typist, had a bi-weekly wage rate range of \$900.80 - \$1017.23, without longevity. In 1993, the Property Appraiser IV, the highest paid classification

represented by AFSCME Local 60, had a bi-weekly wage rate range of \$1394.10 to \$1645.02, without longevity. In 1993, more than twenty other classifications represented by AFSCME Local 60 had a 1993 bi-weekly wage rate of between \$1200 to \$1600. In 1993, the Construction Inspector II, the highest paid classification represented by Laborers Local 236, had a bi-weekly wage rate range of \$1168.16 to \$1393.74, without longevity. Employees represented by AFSCME Local 60 and employees represented by Laborers Local 236 also receive longevity pay.

14. Mark Komurka is an Engineering Program Specialist I in the Storm and Sanitary Sewer Section of the Engineering Division and is primarily responsible for preparing plans and specifications for sewer projects. Komurka also has responsibility for drafting, coordinating sanitary sewer television inspection, and reviewing and signing street opening permits for sewer work. Occasionally, Komurka views construction sites or meets with contractors outside of the central office. Komurka transmits work from the Sewer Section to the Operations Section, which duty may involve contact with Engineering Division employees represented by Laborers Local 236. Komurka is supervised by one of two Civil Engineers. Neither Civil Engineer supervises any employee represented by Laborers Local 236 or AFSCME Local 60. In Komurka's absence, his work is performed by a Civil Engineer, with some assistance from Civil Technician II Wiesner. Landfill duties previously performed by Komurka have been transferred to the Operations Section of the Engineering Division and are now performed by Operating Maintenance Workers represented by Laborers Local 236.

15. Wayne Rippl is an Engineering Program Specialist I in the Special Projects Section of the Engineering Division. Rippl has administrative responsibility for the City owned/operated Underground Storage Tank (UST) and the City Waste Oil collection facilities. This administrative responsibility includes serving as liaison with other governmental agencies; scheduling and inspecting, testing, removal, replacement and site remediation; and preparing plans, specifications, reports, permit applications, and other documentation. Rippl is supervised by a Senior Civil Engineer and a Hydrogeologist, neither of whom supervise employees represented by AFSCME or Laborers Local 236. In Rippl's absence, his work is performed by the Hydrogeologist. Rippl is expected to be able to perform the duties of an Engineering Operations Worker so that he is able to monitor work performed by the Operations Worker. Normally, Rippl is not assigned to fill in for the Operations Worker. Rippl and Construction Inspectors exchange work related information.

16. James Grey is an Engineering Program Specialist II in the Storm and Sanitary Sewer Section of the Engineering Division. Approximately seventy-five percent of Grey's work is administrative work for the Sewer Utility. This administrative work includes the following: gathering and assembling data needed to generate the Madison Sewer Utility budget and rate structures; billing industrial sanitary sewer surcharge customers; supervising, scheduling, maintaining and installing sanitary sewer samplers; gathering and recording data needed to calculate the year end plant value and to close the books; and miscellaneous billing, record keeping, and reporting duties. Occasionally, Grey will go into the field to collect samples. When performing these sewer sampling duties, Grey is assisted by a Machine Operator represented by Laborers Local 236. Approximately fifteen percent of Grey's work involves updating and revising storm and sanitary sewer records. Approximately ten percent of Grey's work involves collecting

budget data to be used by the Assistant City Engineer. In Grey's absence, his work is performed by Principal Civil Engineer Dailey or the City Engineer. Dailey supervises Grey, but does not supervise any employee represented by AFSCME Local 60 or Laborers Local 236.

17. Gary Dallmann is an Engineering Program Specialist II in the Development and Permits Section of the Engineering Division. Dallmann is supervised by the Assistant City Engineer, a managerial employee who supervises employees represented by Laborers Local 236 and AFSCME Local 60. Approximately fifty percent of Dallmann's work involves subdivision and private contract administration. This work includes coordinating and drafting contracts between the City and private developers for construction of public improvements; estimating the cost and fees of these improvements; maintaining and updating current subdivision contracts; drafting renewal letters for sureties on subdivision contracts; and organizing and attending meetings between developers and Engineering Division staff to establish construction phases and schedules for proposed developments. Approximately fifteen percent of Dallmann's work involves development and review coordination. This work includes receiving preliminary plans for proposed developments from the Department of Planning and Development; initially reviewing the plans and routing the plans for review and comment of other Engineering Division personnel; organizing Engineering Division responses to these plans and drafting letters of response; reviewing development plans for compliance with City ordinances and conditions of approval; signing off on the plans; responding to inquiries on Engineering Division policy on proposed developments; and maintaining a file system for development projects reviewed by the Engineering Division. Approximately five percent of Dallmann's work time involves overseeing Administrative Clerk I Herbst's public information duties. Dallmann schedules Engineering Program Specialists, Civil Technicians and Administrative Clerk Herbst to ensure that an employee is available to respond to information requests during normal business hours. Dallmann is the purchasing coordinator for the Engineering Division office, which function involves evaluating purchase requests and new equipment; preparing and processing requisitions; obtaining specifications and quotes; and maintaining the fixed assets inventory, annual maintenance contracts and lease agreements. If Dallmann is absent from work, his work is performed by the Assistant City Engineer and/or the Computerized Mapping/GIS Coordinator Supervisor Dux. Administrative Clerks Rideout, Hacker and Ziegler prepare correspondence for Dallmann and refer telephone calls to Dallmann throughout the work day. On occasion, Dallmann will go into the field to view a site, make a purchase, or meet with a vendor. Public contract administration and private contract administration involve some of the same duties. Dallmann's private contract administration, unlike the public contract administration, involves review of private developments and plats. Dallmann and Construction Inspectors frequently exchange work related information.

18. Robert Coon is a Civil Technician II in the Development and Permits Section of the Engineering Division. Coon works at the front counter with Administrative Clerk I Herbst. Coon provides technical information on land use to the general public, land surveyors, utilities and other municipalities; conducts document searches in the Register of Deeds Office; receives and relays radio messages and/or telephone calls from the Construction Inspectors; prepares legal descriptions; drafts and schedules resolutions for street vacations, relocation orders, and official map changes;

and uses a personal computer to prepare spreadsheets and coordinated geometry programs. Administrative Clerks may assist Coon in accessing data needed to perform his duties. Coon may receive work direction from Dallmann, but is under the supervisory authority of the Assistant City Engineer.

19. Glen Clark is a Civil Technician II in the Special Projects Section of the Engineering Division and is primarily engaged in engineering drafting. Clark also maintains landfill records, operates landfill testing equipment and repairs landfill testing equipment. If Clark is absent from work, his drafting work is performed by Rippl, the Hydrogeologist, or a Civil Engineer. When performing his landfill duties, Clark interacts with Engineering Operation Maintenance Workers represented by Laborers Local 236 and Department of Health employees represented by AFSCME Local 60. Clark and the Engineering Operation Maintenance Workers perform some of the same landfill duties. Clark, who is in the field between fifteen to twenty percent of his work time, performs more work outside the office than any other Civil Technician. Clark may receive work direction from Rippl, but is under the supervisory authority of the Senior Civil Engineer and Hydrogeologist.

20. Randall Wiesner is a Civil Technician II in the Storm and Sanitary Sewer Section of the Engineering Division. Although Wiesner is primarily engaged in computer-assisted drafting and lay-outs of construction plans, he does manual drafting. Wiesner also maintains the sanitary sewer utility records and mapping system. If Wiesner were to be absent from work, his manual drafting duties would be performed by Komurka; his computerized drafting duties would be performed by one of the Civil Engineers; and his recordkeeping duties would be performed by Grey. On occasion, Wiesner will go into the field to review a work site. Wiesner's mapping duties involve considerable contact with AFSCME Local 60 employees who are employed by the Madison Water Utility. Wiesner exchanges work related information with Construction Inspectors. Wiesner may receive work direction from Komurka and/or Grey, but is under the supervisory authority of a Civil Engineer. This Civil Engineer does not have supervisory authority over any employee represented by Laborers Local 236 or AFSCME Local 60.

21. Patrick Grainger and Eric Pederson each occupy a position of Civil Technician II in the Streets and Highway Section of the Engineering Division. Grainger and Pederson are each responsible for the production and drafting of street and highway plans. During the performance of these duties, Grainger and Pederson exchange information with Engineering Program Specialists, Engineering Aides in Traffic Engineering represented by AFSCME Local 60, as well as with Construction Inspectors. Grainger and Pederson are supervised by Civil Engineers. These Civil Engineers do not supervise employees represented by Laborers Local 236 or AFSCME Local 60.

22. The Civil Technicians and the Engineering Program Specialists do not fill-in for employees represented by Laborers Local 236. Employees represented by Laborers Local 236 do not fill-in for Civil Technicians and Engineering Program Specialists. Positions represented by AFSCME Local 60, such as Engineering Aides I, II, and III in Traffic Engineering and the Water Utility, are required to have knowledge of engineering drawing and drafting, including knowledge

of computer assisted drafting. Two Engineering Technicians in Traffic Engineering represented by AFSCME Local 60 perform the same type of drafting duties which are performed by Grainger and Pederson. AFSCME Local 60 represents an Engineering Technician in the Water Utility who performs construction inspection work and is required to have a working knowledge of drafting and public works engineering policies, practices and procedures. AFSCME Local 60 represents a Planning Technician in the Planning and Development Department who provides paraprofessional and technical support, e.g., collecting and analyzing data; preparing graphics and maps, including computer-aided mapping systems; preparing and updating computer-generated reports; updating data bases; and communicating with the public regarding land subdivision matters and other planning activities. AFSCME Local 60 represents a Zoning Technician in the Inspection Unit who has responsibility to interpret and enforce City Zoning and Street Graphics ordinances. The Zoning Technicians duties include examining and approving residential and routine development plans for conformance with zoning codes; conducting field inspections and investigations; and reviewing and approving zoning permits. AFSCME Local 60 represents a Plan Review Specialist in the Inspection Unit who has responsibility to independently review building plans to ensure building and mechanical code compliance; provide technical assistance to bidders, architects, and engineers; issue building permits; respond to inquiries on building and mechanical codes; and perform field inspections.

23. Construction Inspectors are represented by Laborers Local 236 and work in the construction section of the Engineering Division, which is located at the Emil Street facility. Construction Inspectors are primarily engaged in inspecting construction activities to ensure compliance with contract specifications. Construction Inspector duties also include working on survey crews, operating radio communications, responding to inquiries on construction and inspection, preparing "as built" drawings of completed construction projects, and determining quantities for partial and final payments. Construction Inspectors may review contractor's pay rolls for compliance with wage rates, which duty is also a duty of contract administration. At one time, Construction Inspectors were required to work in the Engineering Division's central office during the hiatus between construction seasons, but no longer have such a requirement. Construction Inspectors are expected to have a working knowledge of construction inspection and survey instruments and equipment. The Construction Inspectors are required to have knowledge of manual drafting, but are not expected to have knowledge of computer assisted drafting.

Based upon the above and foregoing Findings of Fact, the Commission makes and issues the following

CONCLUSIONS OF LAW

1. The position of Operations Clerk in the Streets Division, currently occupied by Timothy Corcoran and Walter Meyer, is appropriately included in the collective bargaining unit represented by AFSCME Local 60.

2. The position of Civil Technician I in the Engineering Division, currently

unoccupied, and the position of Civil Technician II in the Engineering Division, currently occupied by Glen Clark, Robert Coon, Patrick Grainger, Eric Pederson, and Randall Wiesner, are appropriately included in the collective bargaining unit represented by AFSCME Local 60.

3. The position of Engineering Program Specialist I, currently occupied by Mark Komurka and Wayne Rippl, and the position of Engineering Program Specialist II, currently occupied by Gary Dallmann and James Grey, are appropriately included in the collective bargaining unit represented by AFSCME Local 60.

Based upon the above and foregoing Findings of Fact and Conclusions of Law, the Commission makes and issues the following

ORDER CLARIFYING BARGAINING UNIT 1/

1. The position of Operations Clerk in the Streets Division, currently occupied by Timothy Corcoran and Walter Meyer, is hereby included in the collective bargaining unit represented by AFSCME Local 60.

2. The position of Civil Technician I in the Engineering Division, currently unoccupied, and the position of Civil Technician II in the Engineering Division, currently occupied by Glen Clark, Robert Coon, Patrick Grainger, Eric Pederson, and Randall Wiesner, are hereby included in the collective bargaining unit represented by AFSCME Local 60.

3. The position of Engineering Program Specialist I, currently occupied by Mark Komurka and Wayne Rippl, and the position of Engineering Program Specialist II, currently occupied by Gary Dallmann and James Grey, are hereby included in the collective bargaining unit represented by AFSCME Local 60.

Given under our hands and seal at the City of Madison, Wisconsin, this 8th day of July, 1996.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By James R. Meier /s/
James R. Meier, Chairperson

A. Henry Hempe /s/
A. Henry Hempe, Commissioner

1/ See footnote on Page 39 and 40.

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- 1/ Pursuant to Sec. 227.48(2), Stats., the Commission hereby notifies the parties that a petition for rehearing may be filed with the Commission by following the procedures set forth in Sec. 227.49 and that a petition for judicial review naming the Commission as Respondent, may be filed by following the procedures set forth in Sec. 227.53, Stats.

227.49 Petitions for rehearing in contested cases. (1) A petition for rehearing shall not be prerequisite for appeal or review. Any person aggrieved by a final order may, within 20 days after service of the order, file a written petition for rehearing which shall specify in detail the grounds for the relief sought and supporting authorities. An agency may order a rehearing on its own motion within 20 days after service of a final order. This subsection does not apply to s. 17.025(3)(e). No agency is required to conduct more than one rehearing based on a petition for rehearing filed under this subsection in any contested case.

227.53 Parties and proceedings for review. (1) Except as otherwise specifically provided by law, any person aggrieved by a decision specified in s. 227.52 shall be entitled to judicial review thereof as provided in this chapter.

(a) Proceedings for review shall be instituted by serving a petition therefore personally or by certified mail upon the agency or one of its officials, and filing the petition in the office of the clerk of the circuit court for the county where the judicial review proceedings are to be held. Unless a rehearing is requested under s. 227.49, petitions for review under this paragraph shall be served and filed within 30 days after the service of the decision of the agency upon all parties under s. 227.48. If a rehearing is requested under s. 227.49, any party desiring judicial review shall serve and file a petition for review within 30 days after service of the order finally disposing of the application for rehearing, or within 30 days after the final disposition by operation of law of any such application for rehearing. The 30-day period for serving and filing a petition under this paragraph commences on the day after personal service or mailing of the decision by the agency. If the petitioner is a resident, the proceedings shall be held in the circuit court for the county where the petitioner resides, except that if the petitioner is an agency, the proceedings shall be in the circuit court for the county where the respondent resides and except as provided in ss. 77.59(6)(b), 182.70(6) and 182.71(5)(g). The proceedings shall be in the circuit court for Dane county if the petitioner is a nonresident. If all parties stipulate and the court to which the parties desire to transfer the proceedings agrees, the proceedings may be held in the county designated by the parties. If 2 or more petitions for review of the same decision are filed in different counties, the circuit judge for the county in which a petition for review of the decision was first filed shall determine the venue for judicial review of the decision, and shall order transfer or consolidation where appropriate.

(footnote continued on Page 40)

1/ (footnote continued from Page 39)

(b) The petition shall state the nature of the petitioner's interest, the facts showing that petitioner is a person aggrieved by the decision, and the grounds specified in s. 227.57 upon which petitioner contends that the decision should be reversed or modified.

...

(c) Copies of the petition shall be served, personally or by certified mail, or, when service is timely admitted in writing, by first class mail, not later than 30 days after the institution of the proceeding, upon all parties who appeared before the agency in the proceeding in which the order sought to be reviewed was made.

Note: For purposes of the above-noted statutory time-limits, the date of Commission service of this decision is the date it is placed in the mail (in this case the date appearing immediately above the signatures); the date of filing of a rehearing petition is the date of actual receipt by the Commission; and the service date of a judicial review petition is the date of actual receipt by the Court and placement in the mail to the Commission.

CITY OF MADISON

MEMORANDUM ACCOMPANYING
FINDINGS OF FACT, CONCLUSIONS OF LAW AND
ORDER CLARIFYING BARGAINING UNIT

Laborers Local 236 initiated this proceeding by filing a petition for unit clarification. Thereafter, AFSCME Local 60 intervened. Each union is seeking to represent the following positions: Operations Clerk in the Streets Division; Civil Technician I and II in the Engineering Division; and Engineering Program Specialist I and II. The City argues that it is not appropriate to include these positions in the collective bargaining unit represented by Laborers Local 236.

POSITIONS OF THE PARTIES:

Petitioner:

The Petitioner, Laborers Local 236, contends that all of the positions in question are most appropriately included within the collective bargaining unit represented by Laborers Local 236. Laborers Local 236 asserts that the position of Operations Clerk in the Streets Division performs work which is similar to work performed by the Motor Equipment Operation Clerk, a position represented by the Petitioner. The Petitioner further asserts that it is important for the Operations Clerk to be familiar with Streets Division practices; that familiarity with Streets Division practices is best obtained through employment with the Streets Division; and, since the majority of the employees of the Streets Division are represented by Laborers Local 236, the positions of Operations Clerk - Streets Division is more appropriately included in the collective bargaining unit represented by Laborers Local 236.

Laborers Local 236 asserts that the Engineering Division table of organization illustrates the relationship which exists between positions represented by Local 236 and the Engineering positions at issue. Laborers Local 236 further asserts that employees represented by Laborers Local 236 perform work which is similar to, if not identical, to work performed by the positions in dispute and that each group of employees work together to fulfill the mission of the Engineering Division. Laborers Local 236 maintains that there is a natural progression between positions represented by Laborers Local 236 and the disputed positions. Thus, to include the positions in the Laborers Local 236 bargaining unit, would be to allow bargaining unit employees to move to a higher classification without loss of contract benefits.

Intervenor

The Intervenor, AFSCME Local 60, argues that all of the positions in dispute are most appropriately included in the collective bargaining unit represented by AFSCME Local 60. The Intervenor argues that the positions in dispute share a greater community of interest with employees represented by AFSCME Local 60 because they have a common work place and supervision; perform similar, if not identical, duties; interact with one another in the performance of their duties; substitute for one another; and have similar wages, hours and working conditions.

AFSCME Local 60 asserts that it represents an Operations Clerk in the Water Utility. While acknowledging that Laborers Local 236 also represents Operations Clerks, AFSCME Local 60 argues that this is not compelling because the Operations Clerks represented by Laborers Local 236 are the only office personnel at those work sites and AFSCME Local 60 does not represent any employee at those work sites.

AFSCME Local 60 argues that the Engineering positions in dispute primarily work in offices within the City-County Building. AFSCME Local 60 points out that Laborers Local 236, unlike AFSCME Local 60, does not represent any City employees who work in the City-County Building.

City

The City argues that it is not appropriate to include the positions of Operations Clerk in the Streets Division; Civil Technician I and II in the Engineering Division; and Engineering Program Specialist I and II in the collective bargaining unit represented by Laborers Local 236.

DISCUSSION:

Section 111.70(4)(d)2.a., Stats., provides in pertinent part:

The commission shall determine the appropriate bargaining unit for the purposes of collective bargaining and shall whenever possible avoid fragmentation by maintaining as few units as practicable in keeping with the size of the total municipal work force. In making such a determination, the commission may decide whether, in a particular case, the employees in the same or several departments, divisions, institutions, crafts, professions or other occupational groupings constitute a unit. . . .

When the Commission exercises its statutory discretion to determine whether a proposed bargaining unit is appropriate or whether it is appropriate to add employees to an existing unit, 2/ the Commission consistently considers the following factors:

1. Whether the employees in the unit sought share a "community of interest" distinct from that of other employees.
2. The duties and skills of employees in the unit sought as compared with the duties and skills of other employees.
3. The similarity of wages, hours and working conditions of employees in the unit sought as compared to wages, hours and working conditions of other employees.
4. Whether the employees in the unit sought share separate or common supervision with all other employees.
5. The degree to which the employees in the unit sought have a common or exclusive workplace.
6. Whether the unit sought will result in undue fragmentation of bargaining units.
7. Bargaining history. 3/

As the Commission stated in Northeast Technical College, Dec. No. 11602-A, (WERC, 11/95):

We have used the phrase "community of interest" as it appears in Factor 1 as a means of assessing whether the employees participate in a shared purpose through their employment. We have also used the

2/ Laborers correctly note that inclusion of the disputed positions in the Laborers unit would provide additional advancement opportunities to current unit employees. While such opportunities would be a positive consequence of unit inclusion, we do not believe they are relevant to the issue of whether placement of the positions in the Laborers unit is appropriate.

3/ Arrowhead United Teachers v. WERC, 116 Wis.2d 580 (1984).

phrase "community of interest" as a means of determining whether employees share similar interests, usually -- though not necessarily -- limited to those interests reflected in Factors 2-5. This definitional duality is of long-standing, and has received the approval of the Wisconsin Supreme Court. 2/ [citing Arrowhead United Teachers v. WERC, 116 Wis.2d 580, 592 (1984)]

The fragmentation criterion reflects our statutory obligation to "avoid fragmentation by maintaining as few units as practicable in keeping with the size of the total municipal workforce." 4/

The bargaining history criterion involves an analysis of the way in which the workforce has bargained with the employer or, if the employees have been unrepresented, an analysis of the development and operation of the employee/employer relationship. 5/

Based upon long standing Commission precedent, we believe it is well understood by the parties that within the unique factual context of each case, not all criteria deserve the same weight 6/ and thus a single criterion or a combination of criteria listed above may be determinative. 7/

4/ Section 111.70(4)(d)2.a., Stats.

5/ Marinette School District, Dec. No. 27000 (WERC, 9/91).

6/ Shawano-Gresham School District, Dec. No. 21265 (WERC, 12/83); Green County, Dec. No. 21453 (WERC, 2/84); Marinette County, Dec. No. 26675 (WERC, 11/90).

7/ Common purpose Madison Metropolitan School District, Dec. Nos. 20836-A and 21200 (WERC, 11/83); similar interests, Marinette School District, supra; fragmentation, Columbus School District, Dec. No. 17259 (WERC, 9/79); bargaining history, Lodi Joint School District, Dec. No. 16667 (WERC, 11/78).

Operations Clerk-Streets Division

Community of Interest

AFSCME Local 60 and Laborers Local 236 each represent employees of the Streets Division. Thus, each unit represents employees who, with the Operations Clerks in the Streets Division, participate in the same shared purpose through their employment, i.e., the provision of Streets Division services.

Duties and Skills

The Operations Clerks in the Streets Division, Walter Meyer and Tim Corcoran, perform a variety of administrative/clerical duties. Public information duties, however, involve at least fifty percent of Corcoran's work time and more than seventy percent of Meyer's work time. These public information duties involve receiving, and responding, to public complaints and requests for information regarding Streets Division operations. The public information duties performed by Meyer and Corcoran are also performed by Streets Division employees represented by AFSCME Local 60, i.e., the two Public Information Assistants and Administrative Clerk Colwill. Streets Division employees represented by Laborers Local 236 do not perform the public information duties which are performed by Meyer and Corcoran. Nor do they perform the other clerical/administrative duties performed by Meyer and Corcoran.

Laborers Local 236 and AFSCME Local 60 each represent at least one Operations Clerk in a division of the City other than Streets. While each of these Operations Clerks work in an office and perform some work which is similar to the work performed by Meyer and Corcoran, it is not evident that these Operations Clerks devote a significant portion of their work time to performing public information duties.

The Streets Division employees represented by Laborers Local 236 perform blue collar work which is normally associated with a municipal streets department, e.g., maintenance and construction of roads; salting and plowing; refuse pick-up; equipment operation and equipment maintenance. The vast majority of the other positions represented by Laborer's Local 236 are blue collar positions which provide custodial services, equipment operation and maintenance, and skilled labor services to the Library, Engineering and Motor Equipment Divisions of the City.

AFSCME Local 60, like Laborers Local 236, represents employees who perform blue collar work in other divisions of the City. Unlike Laborers Local 236, AFSCME Local 60 also represents a substantial number of employees who perform clerical and/or administrative work.

Wages, Hours and Working Conditions

Meyer and Corcoran have a wage rate which is between thirteen and fourteen dollars per hour. AFSCME Local 60 and Laborers Local 236 each represent employees who receive a similar wage rate. Meyer and Corcoran, employees represented by AFSCME Local 60 and employees represented by Laborers Local 236 receive similar, if not identical, fringe benefits.

Meyer and Corcoran, as well as the employees represented by Laborers Local 236 and AFSCME Local 60, generally work Monday through Friday. Employees represented by Laborers Local 236 have a normal work schedule of forty hours a week, with a twenty minute paid lunch. Employees represented by AFSCME Local 60 work a variety of schedules, including a forty hour week and a thirty-eight and three-quarter hour week. Some positions represented by AFSCME Local 60 have a paid lunch and other positions represented by AFSCME Local 60 do not have a paid lunch.

Meyer works a schedule of seven and three-quarter hour day and has a paid lunch, as do the AFSCME Local 60 employees who work with Meyer and Corcoran. Corcoran works a forty-hour week and has a half hour unpaid lunch.

The Streets Division employees represented by Laborers Local 236 and AFSCME Local 60 work at either the West Badger Road or Sycamore Avenue facility, as do Meyer and Corcoran. Meyer, Corcoran and the Streets Division employees represented by AFSCME Local 60 perform clerical/administrative work in offices of the Streets Division. The Streets Division employees represented by Laborers Local 236 perform blue collar work in the field and/or maintenance shops.

As discussed above, AFSCME Local 60 and Laborers Local 236 each represent employees who work outside of the Streets Division. AFSCME Local 60 represents a substantial number of clerical and administrative employees who work within City offices, while Laborers Local 236 primarily represents blue collar workers who work outside of City offices.

Commonality of Supervision

Meyer and Corcoran are each supervised by a General Public Works Supervisor. Corcoran's supervisor, unlike Meyer's supervisor, is the immediate supervisor of an employee represented by AFSCME Local 60. Each General Public Works Supervisor also has supervisory authority over employees represented by Laborers Local 236. The General Public Works Supervisors report to the Operations Manager and/or Streets Superintendent, each of whom have supervisory authority over employees represented by Laborers Local 236 and AFSCME Local 60.

Commonality of Workplace

Meyer and Corcoran each work in an office which is also the workplace of employees represented by AFSCME Local 60, but is not the workplace of any employee represented by Laborers Local 236. While employees represented by Laborers Local 236 are assigned to the West Badger Road and Sycamore Avenue facilities which house these offices, the employees represented by Laborers Local 236 work either in the field or in the maintenance shops.

Bargaining History

Laborers Local 236 represents two Operations Clerk, each of whom works in an office at a work site in which all of the other represented employees are represented by Laborers Local 236. AFSCME Local 60 represents one Operations Clerk in the Water Utility. AFSCME Local 60, but not Laborers Local 236, represents other employees in the Water Utility.

The evidence of bargaining history indicates that the position of Operations Clerk is placed in whatever bargaining unit represents the other employees at the work site. In the present case, each of the unions represents employees at the work site.

Fragmentation

Since AFSCME Local 60 and Laborers Local 236 each represent existing collective bargaining units, the positions may be included in either unit without causing undue fragmentation of bargaining units.

Conclusion

Upon analyzing the factors which determine unit placement, the Commission is satisfied that the two Operations Clerks in the Streets Division have duties and skills, work hours, working conditions, and a work place which is more similar to those of employees represented by AFSCME Local 60, than to those of employees represented by Laborers Local 236. The remaining factors either are not relevant to this proceeding, or do not demonstrate a compelling shared interest. Accordingly, the Commission has concluded that the two positions of Operations Clerk-Streets Division are more appropriately included in the collective bargaining unit represented by AFSCME Local 60.

Engineering Division

Community of Interest

AFSCME Local 60 and Laborers Local 236 each represent employees within the Engineering Division. Thus, each unit represents employees who, with the Civil Technicians and the Engineering Program Specialists, participate in the same shared purpose through their employment, i.e., the provision of Engineering Division services.

Commonality of Workplace

The Engineering Program Specialists and Civil Technicians are assigned to a two room office suite within the City-County building. This two room suite, which is separated by the 911 facility, houses the administrative offices of the City Engineering Division and is the work place of the four Engineering Division employees represented by AFSCME Local 60, i.e., Administrative Clerk I Herbst, Administrative Clerk I Rideout, Administrative Clerk I Hacker and Clerk Typist I Ziegler. Civil Technician Clark, who is in the office at least eighty percent of his work time, is the only employee in the position of Engineering Program Specialist or Civil Technician to perform

more than a de minimis amount of work outside of the two room office suite.

AFSCME Local 60 represents other employees who work in offices within the City-County Building. Laborers Local 236 does not represent employees who work within the City-County Building. Engineering Division employees represented by Laborers Local 236 work in the field or at the Emil Street facility. Other employees represented by Laborers Local 236 work in the field or at Library, Streets or Motor Equipment Division facilities.

Duties and Skills

The primary function of the Engineering Division employees represented by AFSCME Local 60 is to provide clerical and administrative services to the professional engineers, as well as to the Civil Technicians and Engineering Program Specialists. Engineering Division employees represented by AFSCME Local 60 perform some duties which are also performed by the Civil Technicians and Engineering Program Specialists, e.g., data collection and report preparation; contract administration; and responding to information requests.

Engineering Division employees represented by Laborers Local 236 work in either the operations section or the construction section. The operations section employees are primarily blue collar workers who maintain the public sanitary sewers, storm sewers and closed landfills. The majority of employees in the construction section are Construction Inspectors who are primarily engaged in inspecting construction activities to ensure compliance with contract specifications.

Civil Technician Clark performs some duties which are performed by Operations Workers represented by Laborers Local 236. Engineering Program Specialist Rippl is expected to have the ability to perform duties of the Engineering Operations Worker, but is not normally assigned to perform this work. The Civil Technicians and the Engineering Program Specialists do not fill-in for employees represented by Laborers Local 236. Nor do employees represented by Laborers Local 236 fill-in for the Civil Technicians and Engineering Program Specialists.

Civil Technicians, Engineering Program Specialists and the Construction Inspectors represented by Laborers Local 236 are expected to have a working knowledge of construction inspection, survey instruments, and survey equipment. The Civil Technicians and Engineering Program Specialists, however, perform little, if any, construction inspection or surveying.

Construction Inspectors represented by Laborers Local 236 are expected to have a working knowledge of manual engineering drafting and drawing. The Civil Technicians and Engineering Program Specialists are expected to have a working knowledge of computer assisted drafting and drawing.

The primary duty of Civil Technicians Clark, Grainger, Wiesner and Pederson is computer assisted engineering drawing and drafting. Civil Technician Clark also maintains landfill record

and operates and repairs landfill testing equipment. Wiesner also maintains the

sanitary sewer utility records and mapping system. Civil Technician Coon has two primary duties, i.e., to provide technical land use information to Engineering Division employees, the public, utilities and municipalities and to maintain the computerized map.

Engineering Program Specialist Komurka is primarily responsible for preparing plans and specifications for sewer projects. Engineering Program Specialist Rippl has administrative responsibility for City owned/operated underground storage tanks and waste oil collection. Engineering Program Specialist Grey is primarily involved in the administration of the Sewer Utility. Engineering Program Specialist Dallmann has administrative responsibility for a variety of activities, including subdivision development, private contract administration, and purchasing.

The vast majority of the non-Engineering Division employees represented by Laborer's Local 236 are blue collar workers such as custodians, maintenance workers, equipment operators, mechanics and other skilled laborers. AFSCME Local 60 represents the same type of blue collar workers. AFSCME Local 60, however, also represents a number of positions which perform administrative/technical work of the level performed by the Engineering Program Specialists and Civil Technicians, e.g., Engineering Aide I and II in Traffic Engineering and Water Utility; Engineering Aide III in Traffic Engineering; Engineering Technician I in the Water Utility; Planning Technician in Planning & Development; Zoning Technician in Inspection and Plan Review Specialist in Inspection. AFSCME Local 60 represents two Engineering Technicians in Traffic Engineering who perform the same type of drafting duties which are performed by Grainger and Pederson. Engineering Aides represented by AFSCME Local 60 are also required be able to perform engineering drawing and drafting, including computer assisted drafting.

In summary, Civil Technicians and Engineering Program Specialists perform some work which involves duties and/or skills which are similar, if not identical, to those required of Engineering Division employees represented by each union. However the Civil Technicians and Engineering Program Specialists also perform a significant amount of technical/administrative work which requires duties and/or skills which are separate and distinct from those required of Engineering Division employees represented by either Laborers Local 236 or AFSCME Local 60. AFSCME Local 60, unlike Laborers Local 236, represents a number of non-Engineering Division employees who perform technical/ administrative work of the type performed by the Civil Technicians and Engineering Program Specialists.

Wages, Hours and Working Conditions

Within the Engineering Division, the wage rates of the Engineering Program Specialist and Civil Technicians are more similar to the wage rates of positions represented by Laborers Local 236, than to the wage rates of positions represented by AFSCME Local 60. Outside of the Engineering Division, each union represents positions which have wage rates similar to the wage rates of the Civil Technicians, but only AFSCME Local 60 represents positions which have wage rates which are similar to the higher end of the Engineering Program Specialists wage range.

Employees represented by Laborers Local 236 and employees represented by AFSCME Local 60 receive fringe benefits which are similar to those received by the Civil Technicians and Engineering Program Specialists.

The Engineering Program Specialists and Civil Technicians work 38 and 3/4 hours per week and have an unpaid forty-five minute lunch period, as do the Engineering Division employees represented by AFSCME Local 60. All of the employees represented by Laborers Local 236, including Engineering Division employees, work 40 hours per week and have a paid twenty minute lunch period, which is taken at the job site.

While the Civil Technicians and Engineering Program Specialists may perform some clerical work, they are primarily engaged in performing technical/administrative work in an office which is located within the City County Building. AFSCME Local 60, unlike Laborers Local 236, represents employees who perform technical/administrative work in other City offices within the City-County Building. While Laborers Local 236 does represent some employees who perform technical, clerical, and administrative work, the vast majority of positions represented by Laborers Local 236 are blue collar workers who work in the field or in shops.

Commonality of Supervision

Engineering Program Specialist Dallmann functions as the lead worker for Civil Technician Coon and one employee represented by AFSCME Local 60, i.e., Administrative Clerk Herbst. Dallmann, Coon and Herbst, however, are under the immediate supervision of the Assistant City Engineer. The Assistant City Engineer, has general supervisory authority over all employees of the Engineering Division other than the City Engineer, but is not the immediate supervisor of any employee represented by Laborers Local 236. All of the other Civil Technicians and Engineering Program Specialists are supervised by professional engineering staff who do not have supervisory authority over any represented employee.

Fragmentation

Since AFSCME Local 60 and Laborers Local 236 each represent existing collective bargaining units, the positions may be included in either unit without causing undue fragmentation of bargaining units.

Conclusion

Upon analyzing the factors which determine unit placement, the Commission is satisfied that the positions of Civil Technician I and II in the Engineering Division and the positions of

Engineering Program Specialist I and II have a work place, duties and skills, work hours, and working conditions which are more similar to those of employees represented by AFSCME Local 60, than to those of employees represented by Laborers Local 236. Additionally, the wage rates of the Engineering Program Specialists are more similar to those of employees represented by AFSCME Local 60, than to those of employees represented by Laborers Local 236. The remaining factors are either not relevant to this proceeding, or do not demonstrate a compelling shared interest. Accordingly, the Commission has concluded that the positions of Civil Technician I and II in the Engineering Division and the positions of Engineering Program Specialist I and II are appropriately included in the collective bargaining unit represented by AFSCME Local 60.

Dated at Madison, Wisconsin, this 8th day of July, 1996.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By James R. Meier /s/
James R. Meier, Chairperson

A. Henry Hempe /s/
A. Henry Hempe, Commissioner