

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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In the Matter of the Petition of

CARPENTERS LOCAL #314

Involving Certain Employees of

DANE COUNTY  
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Case VI

No. 14145 ME-593

Decision No. 10026

DIRECTION OF ELECTION

Carpenters Local #314 having on October 28, 1970, filed a petition with the Wisconsin Employment Relations Commission requesting that an election be conducted among certain employees in the employ of Dane County, Wisconsin, pursuant to Section 111.70, Wisconsin Statutes; and hearing on such petition having been conducted on November 9 and 17, 1970, before Chairman Morris Slavney; and during the course of said hearing, Dane County Joint Council of Unions, AFSCME, AFL-CIO, having been permitted to intervene in the proceeding on its claim that it presently represents the employees involved in the petition, and, further, that the wages, hours and conditions of employment of said employees are covered in the collective bargaining agreement executed between it and Dane County, in effect from January 1, 1970, through December 31, 1970; and the Commission, having reviewed the entire record and being satisfied that all regular full-time and regular part-time carpenters and apprentices constitute an appropriate bargaining unit within the meaning of Section 111.70(4)(d), Wisconsin Statutes, and, further, being satisfied that a question has arisen concerning representation involving employees properly in said unit;

NOW, THEREFORE, it is

DIRECTED

That an election by secret ballot be conducted under the direction of the Wisconsin Employment Relations Commission within thirty (30) days of the date of this Directive in the collective bargaining unit consisting of all regular full-time and regular part-time carpenters and apprentices in the employ of Dane County, Wisconsin, excluding supervisors and all other employees, who were employed by the Municipal Employer on November 20, 1970, except such employees as may prior to the election quit their employment or be discharged for cause, for the purpose of determining whether a majority of said employees desire to be represented by Carpenters Local #314, for the purposes of conferences and negotiations with the above named Municipal Employer on questions of wages, hours and conditions of employment.

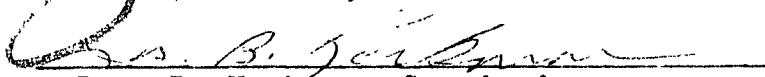
Given under our hands and seal at the  
City of Madison, Wisconsin, this 20th  
day of November, 1970.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slavney, Chairman

  
Zel S. Rice II, Commissioner

  
Jos. B. Kerkman, Commissioner

No. 10026

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MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

The Petitioner, in its petition, requested the Commission to conduct an election among all journeymen carpenters and apprentices in the employ of Dane County. It contended that two employees, namely, Mr. Bunbury and Mr. Vandehey were the two journeymen carpenters in the employ of Dane County. The evidence established that both Bunbury and Vandehey are card carrying members of the Petitioner and are, in fact, journeymen carpenters. Carpenters are not covered in the collective bargaining agreement existing between Dane County Joint Council of Unions, AFSCME, AFL-CIO, hereinafter referred to as AFSCME, and Dane County. However, the Municipal Employer contends that there are no employees who would be eligible to vote in a unit consisting of journeymen carpenters and apprentices, on the basis that Bunbury is not under County civil service, but is a temporary employee and therefore would not be eligible to participate in an election should it be conducted, and, further, that Vandehey, who was classified as a Maintenance Man II while on occasions does perform carpentry work, spends a majority of his time in maintenance-type duties, and, thus, would also not be eligible in the unit, and, therefore, since there are no eligible employees, no election should be conducted.

There is no dispute with respect to the fact that the conditions of employment with respect to Bunbury are not pursuant to civil service. The fact that he is considered to be a "temporary" employee does not exclude Bunbury from being considered as an "employee" within the meaning of Section 111.70(1)(b), Wisconsin Statutes. 1/

Bunbury commenced his employment in October 1968, and has been continually employed on a regular basis since that date, except for a three-week layoff in the spring of 1969. There was no evidence to indicate when Bunbury's employment was expected to terminate. The mere fact that Dane County has chosen to designate Bunbury as a temporary employee, his tenure of employment is not temporary, and, therefore, he is properly an eligible employee in a craft unit consisting of journeymen carpenters and apprentices. There was no denial that Vandehey has been a journeyman carpenter and performs some carpentry duties during the course of his employment, however, the evidence discloses that a majority of his working hours are spent in

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1/ Wauwatosa Board of Vocational and Adult Education (8158), 8/67.


performing tasks other than those connected with carpentry. Vandehey's supervisor estimated that Vandehey spent perhaps "20 percent of his time" performing carpentry work. Vandehey's testimony in this regard was indefinite claiming that during the summer months he spends from 55 to 60 percent of his time performing carpentry work and on the other months it was down. Since we are satisfied that a majority of Vandehey's work time is spent in performing duties other than carpenter duties, he is not eligible to vote in the bargaining unit consisting of journeymen carpenters and apprentices.

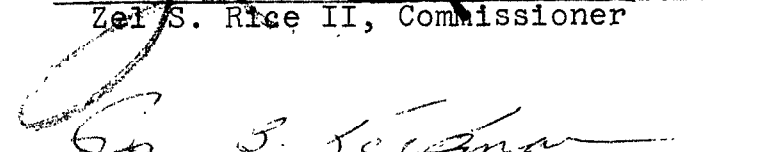
Dated at Madison, Wisconsin, this 20th day of November, 1970.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slavney, Chairman

  
Zel S. Rice II, Commissioner

  
Jos. B. Kerkman, Commissioner

