

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Case X
No. 14149 ME-597
Decision No. 10027

Steamfitters Local #394 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 the employees involved in the claimed bargaining unit are craft employees within the meaning of Section 111.70(4)(d), Wisconsin Statutes, and, further, being satisfied that a question has arisen concerning representation for said employees of the above named Municipal Employer;

NOW, THEREFORE, it is


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 journeymen steamfitters 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

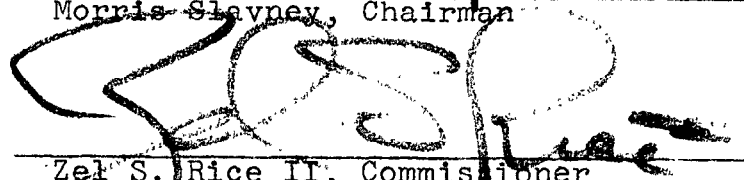
whether a majority of said employes desire to be represented by Steamfitters Local #394, for the purposes of conferences and negotiations with the above named Municipal Employer on questions of wages, hours and conditions of employment.

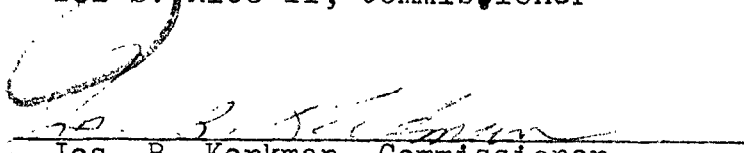
Given under our hands and seal at the City of Madison, Wisconsin, this 20th day of November, 1970.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Zel S. Rice II, Commissioner


Jos. B. Kerkman, Commissioner

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of :
STEAMFITTERS LOCAL #394 : Case X
Involving Certain Employees of : No. 14149 ME-597
DANE COUNTY : Decision No. 10027

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

The Petitioner, in its petition, requested the Commission to conduct an election among "all journeymen steamfitters and apprentices" in the employ of Dane County to determine whether said employees desire to be represented by the Petitioner. Dane County Joint Council of Unions, AFSCME, AFL-CIO, hereinafter referred to as AFSCME, was permitted to intervene in the proceeding on its claim that it presently represents the employees involved and that the conditions of employment of said employees are covered in an existing collective bargaining agreement, effective from January 1, 1970, through December 31, 1970, and, further, that pursuant to the terms of said agreement, AFSCME had reopened the agreement prior to August 1, 1970, the date set for such a reopening and that AFSCME and Dane County were presently engaged in bargaining on a new agreement to become effective January 1, 1971.

Dane County contends that the employees as sought by the Petitioner to be established in a separate unit consisting of steamfitters and apprentices are, in fact, not steamfitters or apprentice steamfitters but rather are classified as Operating Engineer III and IV, but who are performing duties more related to boiler operators or firemen and oilers. The existing collective bargaining agreement between AFSCME and Dane County covers the classifications of Operating Engineer III and IV, which positions are occupied by Wayne Lampman, Jr. and Robert Marks, respectively, and their wage rates are set forth in the wage schedule in the agreement.

During the course of the hearing the job descriptions of such positions were introduced into evidence. The job descriptions of said positions are as follows:

"OPERATING ENGINEER III

Nature of Work

Under direction of Superintendent-Buildings and Grounds, operates and performs general maintenance work on heating equipment, boilers, compressors, fans, cooling towers, refrigeration and resurfacing equipment used in ice making and refinishing, plumbing facilities, pumps, hot water heaters, refuse incinerator, vacuum sweeper, and various other equipment. Makes minor repairs and adjustments.

Oils and greases. Performs electric acetylene welding and repairing existing equipment or fabricating new equipment. Tests and treats water by various methods for variety of uses such as boilers, refrigeration, and general use.

Knowledge, Abilities and Skills

Must have thorough knowledge of operation and general maintenance of a variety of heating, refrigeration, air conditioning and welding equipment. Must have ability to make minor repairs and adjustments.

Desirable Training and Experience

Should have any combination of education and experience equivalent to graduation from high school and five years experience in operation and general maintenance of a variety of mechanical equipment. Should have above average mechanical aptitude."

"OPERATING ENGINEER IV

Nature of Work

Under direction of Superintendent-Buildings and Grounds, is responsible for complete maintenance and repair of heating, refrigeration and air conditioning equipment at the Dane County Exposition Center. Tests and treats water used for a variety of purposes including boilers, refrigeration, other equipment and general use. Repairs and maintains water and sewer lines. Winterize external services and utilities. Operates and maintains all refrigeration equipment utilized for making ice. Applies paint for lines used in ice hockey and shows. Operates and maintains ice refinishing machine. Sees that basketball backboards are properly leveled and at correct elevation. Sees that heating and lighting in ticket booths are maintained in proper operating condition. Changes lettering in Exposition Center signboard whenever necessary. Checks and sees that traffic and parking signs on premises are hanging properly. Performs related work as required.

Knowledge, Abilities and Skills

Must have thorough knowledge of principles and practices of installation, maintenance and repair of plumbing, heating, refrigeration, and air conditioning equipment. Must have ability to diagnose problems and arrive at solutions which make the equipment operable. Must have ability to operate and maintain ice refinishing machine.

Desirable Training and Experience

Should have any combination of education and experience equivalent to graduation from a vocational school with the

Both Lampman and Marks have been members of the Petitioner since April 14, 1970, and they were accepted by the Petitioner as journeymen steamfitters on the basis of the training which said individuals had experienced. In other words, the Petitioner considered the experience and training of said individuals at least the equivalent of an apprentice steamfitter in order to qualify for journeyman status.

We are satisfied that the job titles involved herein are not conclusive as to whether the employees occupying said classifications are, or are not, craft employees. An examination of the Constitution of the International Association of the Petitioner indicates that the duties performed by the Operating Engineers III and IV are tasks which are considered by the International Association of the Petitioner as falling within the work jurisdiction of craft steamfitters.

We, therefore, conclude that Wayne Lampman, Jr. and Robert Marks are craft steamfitter employees, and, therefore, pursuant to Section 111.70(4)(d), Wisconsin Statutes, constitute a unit separate and apart from all other employees of the Municipal Employer. Since said statute does not permit the inclusion of employees of one craft in a unit with employees of other crafts or non-craft employees, the collective bargaining agreement existing between AFSCME and Dane County, as far as the steamfitters are concerned, does not constitute a bar to a present determination of an election among the steamfitters. 1/ We are, therefore, directing an election among all journeymen steamfitters and apprentices in the employ of Dane County, excluding supervisors and all other employees. If Wayne Lampman, Jr. and Robert Marks continue in employment at least until the date of the election, they will be the "steamfitters" eligible to participate in the election.

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

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Thomas Slavney
Morris Slavney, Chairman

Zel J. Rice II
Zel J. Rice II, Commissioner

Jos. B. Kerkman
Jos. B. Kerkman, Commissioner

1/ City of Milwaukee (Fire Department) (7885), 1/67.