

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

SERVICE EMPLOYEES INTERNATIONAL
UNION, LOCAL 17

Involving Certain Employees of

CITY OF MILWAUKEE

Case CVI
No. 14556 ME-646
Decision No. 10325

Appearances:

- Mr. Gordon Owley, Business Representative, appearing on behalf of Service Employees International Union, Local 17.
Mr. William S. Malloy, Assistant Labor Negotiator, appearing on behalf of City of Milwaukee.
Mr. Emil Muelver, Assistant Director, and Mr. Kenneth Mandt, Staff Representative, appearing on behalf of Milwaukee District Council 48, AFSCME, AFL-CIO, Intervenor.

DIRECTION OF ELECTION

Service Employees International Union, Local 17 having petitioned the Wisconsin Employment Relations Commission to conduct an election, pursuant to Section 111.70 of the Wisconsin Statutes, among certain employees of the City of Milwaukee; and a hearing on said petition having been conducted at Milwaukee, Wisconsin, on March 7, 1971, before Robert B. Moberly, Hearing Officer; and during the course of the hearing Milwaukee District Council 48, AFSCME, AFL-CIO, having been permitted to intervene in the matter; and the Commission having considered the evidence and arguments of the parties and being satisfied that questions have arisen concerning the appropriate collective bargaining units and concerning the representation for certain employees of the Municipal Employer;

NOW, THEREFORE, it is

DIRECTED

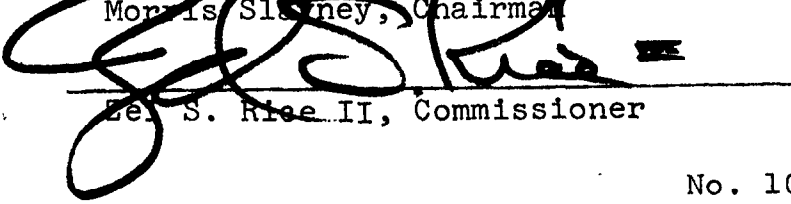
That an election by secret ballot shall be conducted under the direction of the Wisconsin Employment Relations Commission within thirty (30) days from the date of this Directive in a voting group of all regular employees having the classifications of Natatorium Supervisors, Firemen and Natatorium Assistants employed in the various Natatoria in the Bureau of Bridges and Public Buildings in the Department of Public Works of the City of Milwaukee, excluding all other employees, confidential employees, supervisors and executives, who were employed by the City of Milwaukee on May 7, 1971, 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 such employees desire to be represented by Service Employees International Union, Local 17, or by Milwaukee District Council 48 (and its appropriate locals), AFSCME, AFL-CIO, or by neither of said organizations for the purposes of conferences and negotiations with the City of Milwaukee on questions of wages, hours and conditions of employment.

Given under our hands and seal at the
City of Madison, Wisconsin, this 18th
day of May, 1971.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slattery, Chairman


S. Rice II, Commissioner

No. 10325

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MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

The instant petition was filed by Service Employees International Union, Local 17, hereinafter referred to as the Petitioner, on April 1, 1971, requesting an election in the collective bargaining unit consisting of

"All regular employees having the classifications of natatorium supervisors, firemen and natatorium assistants employed in the various natatoria of the Bureau of Bridges and Public Buildings in the Dept. of Public Works, excluding all other employees, confidential employees and executives."

During the course of the hearing, Milwaukee District Council 48, AFSCME, AFL-CIO, hereinafter referred to as the Intervenor, was permitted to intervene. The Intervenor "feels that this unit should be a part of the over-all unit of Buildings and Bridges and, further, that there is no logical basis for a separation of this unit from the balance of the division."

The unit petitioned for is a part of the Bureau of Bridges and Public Buildings in the Department of Public Works in the City of Milwaukee. In the initial representation proceedings in 1963 involving the Department of Public Works, employees in the above unit were permitted to determine for themselves whether they desired to establish themselves as a separate collective bargaining unit. In directing the original elections in the Department of Public Works, the Commission stated the following with respect to the Natatorium employees:

"The Board finds that the six (6) 'Natatoria' are collectively treated as a separate division or department of 'Maintenance and Operation' in 'Public Buildings' and for that reason the Board shall permit all eligible employees employed in the various 'Natatoria' to determine for themselves, since they are not craft employees, whether they desire to establish themselves as a separate collective bargaining unit. They will be given the choice to determine whether they desire to be represented by Local 17, Building Service Employees Union, or District Council 48, or by neither. If a majority favor Local 17 as their bargaining representative, a separate bargaining unit of the 'Natatoria' employees will be established. If a majority do not so vote, their ballots will be included in the over-all voting group of the Department of Public Works." 1/

1/ City of Milwaukee (Department of Public Works) (6215) 1/63.

In the subsequent election conducted by the Commission, the Petitioner was selected by a majority of the eligible employees in the above-described collective bargaining unit as their collective bargaining representative and, accordingly, was certified as the exclusive collective bargaining representative. 2/

In 1970 the Commission conducted another election in the above unit, pursuant to a petition filed by a Natatorium employee, to determine whether a majority of the employees in the above-described collective bargaining unit desired to be represented by the Petitioner. A majority of the ballots cast were against the Petitioner, and the Commission accordingly certified the results. 3/

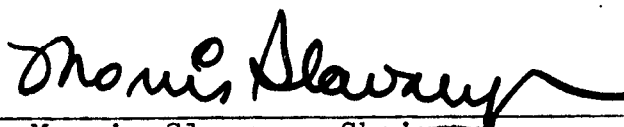
In the instant petition, the Petitioner again seeks to gain majority status in the Natatoria unit set forth in the 1963 Direction of Elections. The Intervenor also seeks majority status, but in addition contends, as it did in the proceedings leading to the 1963 Direction of Elections, that this unit should become a part of the larger unit of the Bureau of Bridges and Public Buildings or the Department of Public Works.

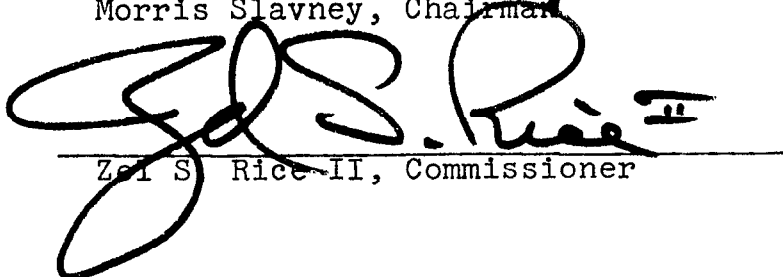
The situation today is exactly the situation faced by the Commission in 1963. We rule today, as we did then, that the Natatoria are collectively treated as a separate division or department, and for that reason the eligible employees in the Natatoria may determine for themselves whether they desire to establish themselves as a separate collective bargaining unit. They will be given a choice to determine whether they desire to be represented by Service Employees International Union, Local 17 or District Council 48 or by neither. If a majority of the eligible employees select Local 17 as their bargaining representative, a separate bargaining unit of the Natatoria employees will be established and said Local 17 will be certified as the bargaining representative. If, however, a majority of those voting select District Council 48, the employees in the voting group will be included in the over-all bargaining unit in the Department of Public Works now represented by District Council 48.

Dated at Madison, Wisconsin, this 18th day of May, 1971.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Zel S. Rice II, Commissioner

2/ City of Milwaukee (6215-B) 4/63.

3/ City of Milwaukee (9560) 4/70.