

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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 In the Matter of the Petition of :  
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 DRIVERS, WAREHOUSE AND DAIRY EMPLOYEES :  
 UNION, LOCAL NO. 75, AFFILIATED WITH :  
 THE INTERNATIONAL BROTHERHOOD OF :  
 TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN :  
 AND HELPERS OF AMERICA :  
 :  
 Involving Certain Employes of :  
 :  
 CITY OF GREEN BAY :  
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Case XXX  
 No. 14712 ME-666  
 Decision No. 10474

Appearances.

Mr. Merlin S. Gorzlaneyk, Recording Secretary, appearing for the Petitioner.

Mr. Ervin L. Doepke, City Attorney, appearing for the Employer.

Mr. James W. Miller, Staff representative, Local 1672-A, Green Bay City Hall Employees, AFSCME, AFL-CIO, for the Intervenor.

DIRECTION OF ELECTION

Drivers, Warehouse and Dairy Employees Union, Local No. 75, affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and helpers of America, having filed a petition with the Wisconsin Employment Relations Commission to conduct an election pursuant to Section 111.70 of the Wisconsin Statutes among certain employes of the City of Green Bay, Wisconsin, and hearing on such petition having been held on July 29, 1971, Marvin L. Schurke, Hearing Officer, being present; and during the course of said hearing Local 1672-A, Green Bay City Hall Employees, AFSCME, AFL-CIO, having been permitted to intervene in the instant proceeding on its claim that it represents certain employes covered by the instant petition; and the Commission having considered the evidence and being satisfied that questions have arisen concerning representation for certain employes of the above named Municipal Employer;

NOW, THEREFORE, it is

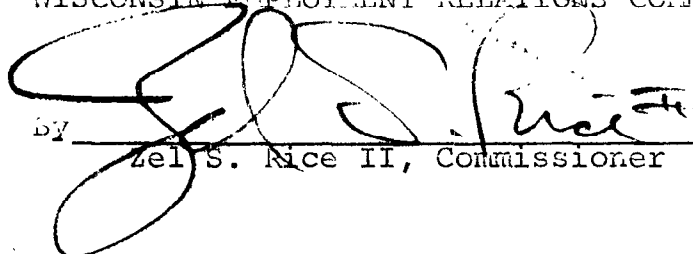
DIRECTED

That elections 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 the collective bargaining unit consisting of all regular full time employes in the City of Green Bay Assessors Department except City officials, professional employes, and supervisors, who were employed by the Municipal Employer on June 29, 1971, except such employes as may prior to the election quit their employment or be discharged for cause, for the purpose of determining (1) whether or not a majority of such employes desire to constitute themselves a collective bargaining unit separate and apart from other employes of the Employer and (2) provided that the vote on the above

question establishes a separate bargaining unit, whether a majority of such employes desire to be represented by Drivers, Warehouse and Dairy Employees Union, Local No. 75, affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, or by Local 1672-A, Green Bay City Hall Employees, AFSCME, AFL-CIO, or by neither or said organizations for the purpose 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 19th day of August, 1971.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

  
By \_\_\_\_\_  
Zel S. Rice II, Commissioner

  
Jos. E. Kerkman, Commissioner

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

DRIVERS, WAREHOUSE AND DAIRY EMPLOYEES  
UNION, LOCAL NO. 75, AFFILIATED WITH  
THE INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN  
AND HELPERS OF AMERICA

Case XXX  
No. 14712 ME-666  
Decision No. 10474

Involving Certain Employees of

CITY OF GREEN BAY

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

The Petitioner filed a petition requesting that the Commission conduct a representation election among employees of the Employer in a bargaining unit consisting of "all regular full time employees in the City of Green Bay Assessors Department except as listed below: Excluded. City officials, professional employees, clerical employees, and supervisors as defined in the Act." The employees in the petitioned for bargaining unit are presently represented by Local 1672-A, Green Bay City Hall Employees, AFSCME, AFL-CIO. The Petitioner provided an appropriate showing of interest. At the outset of the hearing the incumbent union petitioned to intervene claiming as a basis for intervention that it continued to represent employees in the collective bargaining unit. During the course of the election hearing the Petitioner moved to amend its petition, deleting reference to an exclusion of clerical employees from the bargaining unit, and the appropriateness of that amendment is one of the issues to be disposed of here.

Following its motion for intervention Local 1672-A, Green Bay City Hall Employees, AFSCME, AFL-CIO, moved that the petition should be dismissed as being not timely filed. The parties stipulated to the introduction into evidence of a copy of the agreement between the City of Green Bay, Wisconsin, and City of Green Bay City Hall Employees Union, Local 1672-A, AFSCME, AFL-CIO, dated 1971. That agreement became effective on January 1, 1971, and continued in effect until December 31, 1971. The date specified therein for the reopening of negotiations is "on or before July 15, 1971." Other evidence indicates that Local 1672-A sent a letter to the City Council of the City of Green Bay on June 18, 1971, indicating its desire to reopen the collective bargaining agreement. The petition in the instant matter was filed on May 28, 1971. The Commission has previously ruled that where there presently exists a collective bargaining agreement covering wages, hours and conditions of employment of employees in an appropriate collective bargaining unit, a petition requesting an election among said employees must be filed within the sixty (60) day period prior to the date reflected in said agreement for the commencement of negotiations for changes in wages, hours and working conditions of the employees in the unit covered thereby unless the period of negotiations as set forth therein extends beyond six months

prior to the budgetary deadline date of the municipal employer involved. In the latter event petitions for elections will be entertained by the Commission if they are filed in good faith within sixty (60) days prior to such six month period. 1/ The May 28, 1971 filing date is within the sixty (60) day period prior to July 15, 1971, and the petition herein was timely filed.

The Petitioner asserts that the City Assessors Office of the City of Green Bay is a separate department or division and that employees in such separate department or division are entitled to vote as to whether they wish to constitute themselves a separate collective bargaining unit. The incumbent union contends that the appropriate unit is a unit of all employees of the City Hall. The Employer takes no position on this question. The evidence indicates that the City Assessors Office is in fact a separate department of the City. The employees in the City Assessors Office do all of the appraising work in the City. These employees do no other work in any other department or aspect of City government. All of the employees in the petitioned for unit work in the same office area and their department does not share its office space with employees of other departments. Most of the employees spend most of their time in the office. They have a supervisor, Taylor, who is not on the list of eligible voters. Mr. Taylor does not supervise employees in other departments. There is no interchange of employees with other departments.

The City has asserted that the assessors in the petitioned for unit are a craft. Evidence was introduced concerning the training, experience and qualifications of the members of the petitioned for group. The evidence indicates that none of the employees have licenses, degrees or formal training qualifying them for their work in the City Assessors Office. It is concluded, therefore, that the employees in the City Assessors Office of the City of Green Bay are not a craft within the meaning of Section 111.70.

During the course of the hearing the Petitioner moved to amend its petition to include the exclusion of clerical employees from the petitioned for bargaining unit. One employee occupies the position of Assessment Clerk. The amendment was opposed by the incumbent union. The City took no position on the motion except that the extent of the amendment should be limited to clerical employees within the City Assessors Department. The evidence in the record indicates that it would be appropriate to permit the amendment of the petition and to include the Assessment Clerk position within the bargaining unit petitioned for. The Assessment Clerk handles correspondence for the Assessors Department, makes entries on a posting machine on records for tax rolls, performs filing functions and handles telephone inquiries. The individual does not work for other departments of the City and the City Assessors Department does not obtain or use secretarial or clerical help from other departments. Testimony also indicates that other members of the City Assessors staff do some of their own filing and handle telephone inquiries from members of the public.

The elections herein will be held on the same date at the same place and time. The first question will be whether the employees of the City Assessors Department of the City of Green Bay wish to constitute themselves

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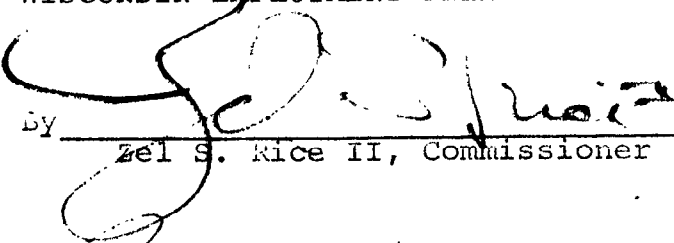
1/ City of Milwaukee, (8622) 7/68; Milwaukee County, (8855) 1/69; Dane County, (9371) 12/69, Black Earth School District No. 1, (9719) 6/70.

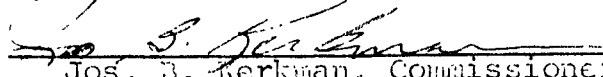
a bargaining unit separate and apart from all other employees of the City. If the results in that vote are in the affirmative the ballots in the representation election will be counted. On the other hand if the employees do not vote to constitute themselves a separate bargaining unit the ballots in the representation election will be impounded. The representation election will be conducted on a three-way basis with the petitioning union, Drivers, Warehouse and Dairy Employees Union, Local No. 75, the incumbent union, Local 1672-A, AFSCME, AFL-CIO, on the ballot along with a choice for no representative.

Dated at Madison, Wisconsin, this 19th day of August, 1971.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Zel S. Rice II, Commissioner

  
Jos. B. Kerkman, Commissioner