

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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In the Matter of the Petition of

GENERAL DRIVERS AND HELPERS UNION  
LOCAL NO. 662

Involving Certain Employees of

SANITARY DISPOSAL, INCORPORATED  
Chippewa Falls, Wisconsin  
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Case I  
No. 14688  
E-2703 R-5176  
Decision No. 10484

DIRECTION OF ELECTION AND REFERENDUM

The above named Union having petitioned the Wisconsin Employment Relations Commission to conduct an election and referendum among certain employees of the Eau Claire Garbage Haulers Association, pursuant to Sections 111.05 and 111.06 of the Wisconsin Statutes; and a hearing on such petition having been conducted at Eau Claire, Wisconsin, on August 3, 1971, by Zel S. Rice II, Commissioner; and during the course of the hearing the Union having amended its petition to designate Sanitary Disposal, Incorporated as the Employer; and a representative of Sanitary Disposal, Incorporated being present and having consented to such amendment; and the Commission having considered the evidence and being satisfied that questions have arisen concerning representation and an "All-Union Agreement" for certain employees of the above named Employer;

NOW, THEREFORE, it is

DIRECTED

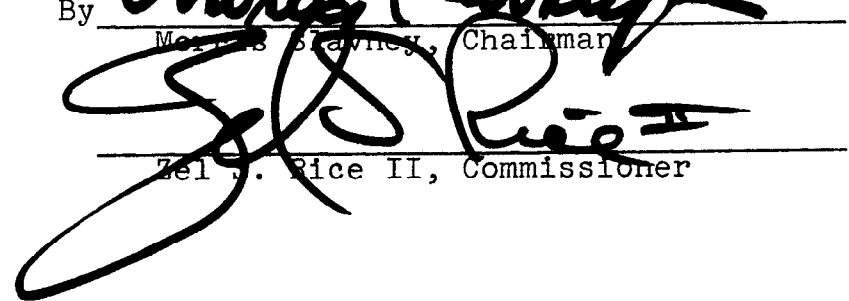
That an election and referendum by secret ballot be conducted under the direction of the Wisconsin Employment Relations Commission within thirty (30) days from the date of this Directive in the collective bargaining unit consisting of all truck drivers, truck driver helpers and mechanics employed by Sanitary Disposal, Incorporated, Chippewa Falls, Wisconsin, but excluding office clerical employees and the Overall Foreman, who were employed by the Employer on August 24, 1971, except such employees as may prior to the election and referendum quit their employment or be discharged for cause, for the purpose of determining: (1) whether or not a majority of such employees desire to be represented for the purposes of collective bargaining by the above named Union; and (2) whether or not the required number of such employees favor an "All-Union Agreement" between the above named Union and Employer.

Given under our hands and seal at the  
City of Madison, Wisconsin, this 24th  
day of August, 1971.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slavney, Chairman

  
Zel S. Rice II, Commissioner

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MEMORANDUM ACCOMPANYING  
DIRECTION OF ELECTION AND REFERENDUM

In its petition initiating the instant proceeding the Union requested an election and referendum among all truck drivers and truck driver helpers employed by nine employers, alleged to constitute the "Eau Claire Garbage Haulers Association" who were engaged in the collection of garbage and refuse in the Eau Claire and Chippewa Falls, Wisconsin area. At the outset of the hearing it was disclosed that such an association did not exist for the purposes of collective bargaining, and thereupon the Union amended its petition to seek an election and referendum among the employees of only one employer, Sanitary Disposal, Incorporated, Chippewa Falls, Wisconsin, hereinafter referred to as the Employer.

In addition to its President, the Employer employs a secretary, an Overall Foreman, hereinafter referred to as the Foreman, a mechanic, five drivers and five helpers. The Union contends that the appropriate unit consists of the drivers, helpers and mechanics, and would exclude from the unit the secretary and the Foreman. The Employer agrees that the secretary and the Foreman should be excluded. The Commission agrees that the secretary is a confidential employee and that the Foreman is a supervisor within the meaning of the Wisconsin Employment Peace Act, and therefore they are excluded from the unit. Both the Employer and the Union agree that the helpers and the mechanic should be included in the unit. The Employer would exclude the drivers as being supervisory.

Each driver is assigned a specific area for the collection of garbage and for the vehicle operated by him. He is accompanied by a helper and the driver assists his helper in the loading and unloading of garbage. The driver is also responsible for reporting mechanical difficulties to the mechanic. The wages of the drivers range from \$115 to \$135 a week, while the wages of the helpers range from \$100 to \$110 a week. During the absence of a driver, a helper, if he is familiar with the driver's route, will drive the truck. Normally helpers are promoted to drivers when there is a vacancy in the latter classification, and all present drivers were formally helpers.

The drivers have been given the authority to initially hire helpers under certain circumstances. However, when a helper is so hired he must eventually file an application, be interviewed by the Employer's President and after a thirty-day probationary period may become a permanent employe if the President so determines. The President and the Foreman also hire employes and after a probationary period the new hire may become a permanent employe.

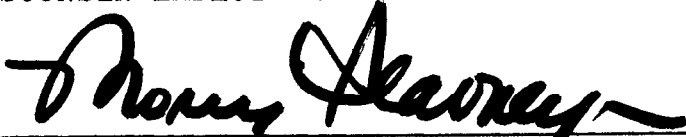
The drivers may also have a role in the discharge of a helper. Since neither the President nor the foreman are present to observe the performance of work by the helpers, the drivers may recommend the termination of the helper. The final decision, however, rests with the President of the Employer.

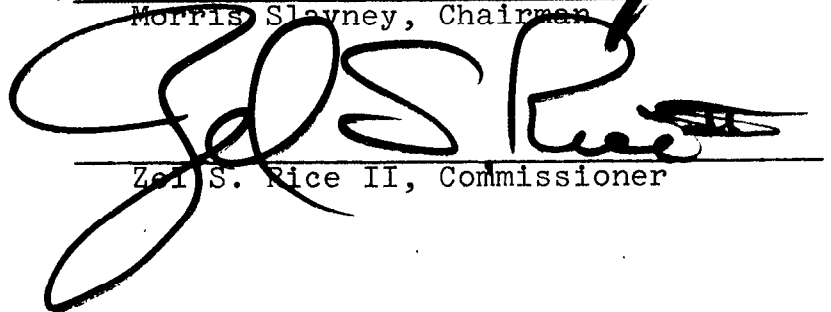
While the drivers do have some supervisory authority, the vast majority of their time is spent in performing the task of driving the vehicles assigned to them and in the loading and unloading of the garbage. At the most the drivers are working foremen and therefore, we are satisfied that they are included in the unit. Accordingly, the unit consists of all truck drivers, truck driver helpers and mechanics, excluding office clerical employes and the Overall Foreman, and we have today directed an election and referendum in the matter.

Dated at Madison, Wisconsin, this 24th day of August, 1971.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slaveney, Chairman

  
Zel S. Rice II, Commissioner