

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of :

FRED W. SCHULTZ :

Involving Certain Employees of :

SOUTH MILWAUKEE BOARD OF
EDUCATION :

Case IV
No. 14592 ME-651
Decision No. 10555

Appearances:

Mr. Francis W. Cathlina, City Attorney, City of South Milwaukee,
and Mr. Donald Brown, Secretary of the South Milwaukee Board
of Education and Business Manager of the School System,
appearing on behalf of the Municipal Employer.

Mr. Fred Schultz, School Employee, appearing on behalf of himself
as the Petitioner.

Goldberg, Previant & Uelmen, Attorneys at Law, by Mr. John S.
Williamson, Jr., appearing on behalf of District Council 48
and Local 883, Intervenor.

ORDER OF DISMISSAL

Fred W. Schultz, a custodial employe in the employ of the South Milwaukee Board of Education, having filed a petition with the Wisconsin Employment Relations Commission wherein he requested that the Commission conduct an election among all custodial employes in the employ of South Milwaukee Board of Education to determine whether said custodial employes desire to constitute a unit separate and apart from all other employes of said Municipal Employer; and hearing on said petition having been conducted at Milwaukee, Wisconsin, by Robert B. Hoberly, Hearing Officer, on May 20, 1971; and during the course of the hearing Milwaukee District Council 48, AFSCME (and its Local 883) having been permitted to intervene in the proceeding on its claim that it presently represented the employes covered by said petition; and the Commission having reviewed the record and arguments of Counsel and being satisfied that no question of representation presently exists among the employes involved in the petition; and further being satisfied that the petition be dismissed;

NOW, THEREFORE, it is

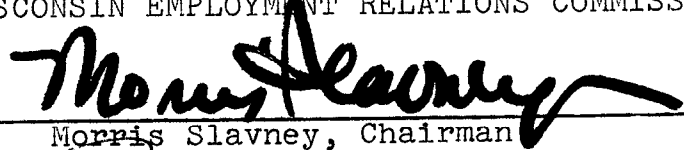
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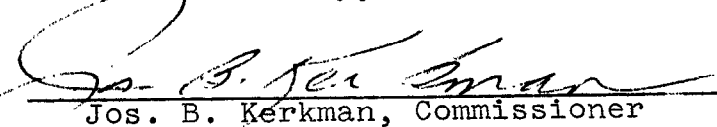
That the petition filed in the above entitled matter be, and the same hereby is, dismissed.

Given under our hands and seal at the
City of Madison, Wisconsin, this 7th
day of October, 1971.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Jos. B. Kerkman, Commissioner

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MEMORANDUM ACCOMPANYING ORDER OF DISMISSAL

Fred W. Schultz, a custodial employe in the employ of South Milwaukee Board of Education, in the petition initiating the instant proceeding, requested an election among the custodial employes of said Municipal Employer to determine whether they desire to constitute a bargaining unit separate and apart from all other employes.

On July 18, 1963, Milwaukee District Council 48, AFSCME (and its Local 883) and the City of South Milwaukee filed a stipulation with the Commission wherein said parties requested the Commission to conduct a representation election among employes in an agreed-upon collective bargaining unit which consisted of "all employes of the City of South Milwaukee employed in the Department of Public Works, Water Department and School Board (including Vocational School), and excluding clerical, professional and supervisory employes." Pursuant to a Direction of Election issued by it, the Commission conducted an election among the employes in said stipulated collective bargaining unit, which included custodial employes in the employ of the South Milwaukee Board of Education, wherein a majority of the employes in said appropriate unit selected Milwaukee District Council 48, AFSCME (and its Local 883) as their bargaining representative. Since that date Milwaukee District Council 48, AFSCME (and its Local 883) has continually represented the employes in said unit for the purposes of collective bargaining and in that regard has negotiated on wages, hours and conditions of employment for said employes with said Municipal Employer, resulting in successive collective bargaining agreements.

In an addendum attached to the petition the individual Petitioner reiterated his request that full-time custodial employes of the South Milwaukee Board of Education constitute a separate collective bargaining unit rather than continuing to be included in a unit of employes as previously certified by the Commission. However, the Petitioner indicated that the custodial employes desired to continue all other relationships now in effect with District Council 48, AFSCME (and its Local 883), and the purpose of the petition was to permit the custodial employes of the South Milwaukee Board of Education to negotiate a separate collective bargaining agreement. Under such

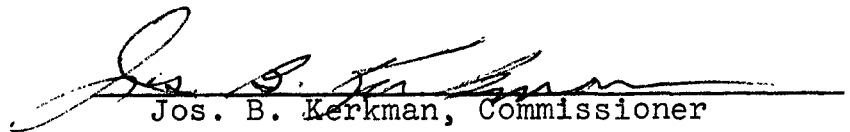
circumstances no question of representation presently exists among the custodial employes of the South Milwaukee Board of Education, since the custodial employes involved seek no new bargaining representative nor do they seek to be unrepresented. The problem appears to be one of an internal matter involving the custodial employes and their collective bargaining representative. We, therefore, are dismissing the petition.^{1/}

Dated at Madison, Wisconsin, this 7th day of October, 1971.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Jos. B. Kerkman, Commissioner

^{1/} The Commission deems it unnecessary to determine other issues raised during the hearing.