

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of :
DISTRICT COUNCIL 48, AFSCME, AFL-CIO: :
Involving Certain Employes of : :
CITY OF OAK CREEK : :

Case III
No. 15307 ME-753
Decision No. 10890

Appearances:

Spacek, Miller & Rinzel, Attorneys at Law, by Mr. Frederick A. Miller, appearing on behalf of the Municipal Employer.
Mr. Richard Massman, Staff Representative, appearing on behalf of the Petitioner.

DIRECTION OF ELECTION

District Council 48, AFSCME, AFL-CIO having petitioned the Wisconsin Employment Relations Commission to conduct an election, pursuant to the Municipal Employment Relations Act, among certain employes in the employ of the City of Oak Creek; and a hearing on said petition having been conducted at the State Office Building, Milwaukee, Wisconsin, on March 3, 1972, by Zel S. Rice II, Commissioner; and the Commission having considered the evidence and being satisfied that a question has arisen concerning the representation of certain employes employed in the City of Oak Creek;

NOW, THEREFORE, it is

DIRECTED

That an election by secret ballot be conducted under the direction of the Wisconsin Employment Relations Commission within thirty (30) days from the date of this Directive among all full-time office and clerical employes who were employed by the City of Oak Creek on February 22, 1972, excluding confidential employes, supervisors and elected officials, professional employes and all other employes of the City of Oak Creek, except such employes as may prior to the election quit their employment or be discharged for cause, for the purpose of determining whether a majority of such employes desire to be represented for the purpose of collective bargaining by District Council 48, AFSCME, AFL-CIO.

Given under our hands and seal at the City of Madison, Wisconsin, this 27th day of March, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
Morris Slavney, Chairman

Zel S. Rice II
Zel S. Rice II, Commissioner

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MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

During the course of the hearing an issue arose as to whether Leroy N. Meyer, who occupies the position of Assistant to the City Assessor should be included in the unit. The position of Assistant to the City Assessor is being changed to that of Deputy City Assessor, however, the duties of the position will not change. The Municipal Employer and the Petitioner agreed to exclude Meyer from the bargaining unit, contending that he is a professional and supervisory employe. The Assistant to the City Assessor "supervises" a part-time employe in the field and exercises some supervisory authority over two clerical employes in the office. The City Assessor also has supervisory authority over these same people. We, therefore, conclude that the position of Assistant to the City Assessor is not supervisory. The qualifications of the Assistant to the City Assessor require at least two years of college studies in accounting, engineering, public administration or related fields. Additional courses or experience in appraisal of building construction are also needed. The position requires a working knowledge of state and local assessment laws and procedures relative to the placing of values on real and personal property. The person occupying the position must be familiar with the geography of the City of Oak Creek and have the ability to seek out inventories and place values thereon, analyze plans, classify and compute replacement and existing values on structures. The duties require him to assist the Assessor in making appraisals and assessments in real and personal property and to make field inspections of properties concerning factors having a bearing on their value, read and interpret legal descriptions and be able to plat them and perform research work such as checking inventories, tax reports or leases that might be required for establishing values. He is required to use calculators, adding machines and addressograph, and assist in preparing assessment rolls and reports and he hears complaints and gives information over the counter, telephone or by correspondence regarding assessments and assessment procedures. Such duties are performed under the supervision of the City Assessor. In view of these facts we find that the Assistant to the City Assessor is neither a supervisor nor a professional employe, and therefore the position is included in the bargaining unit, and the occupant thereof is permitted to vote.

The Employer and the Union herein agreed that there should be two separate bargaining units including the one described in this Direction and one consisting of all civil engineers and Engineering Tech III and IV, but excluding supervisory employes. It was the position of the Employer that although these employes were professional, they should have

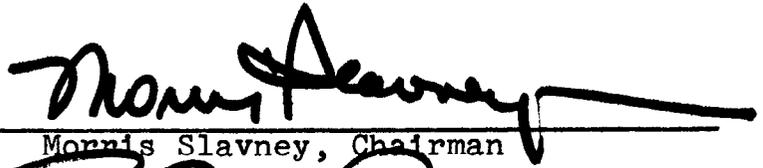
an opportunity to decide if they were interested in becoming part of the unit consisting of clerical and office employees as provided in Section 111.70(4)(d)2a. Under that section of the statute professional employees can vote for inclusion in a unit of non-professional employees.

However, we are initially directing a representation vote among the clerical and office employees described in this Direction. Should the Petitioner be selected as a representative of the office and clerical employees, the professional engineers will be given an opportunity to determine if they desire to accrete to the office and clerical unit and be represented by the Petitioner for the purposes of collective bargaining. Should the clerical employees reject District Council 48, AFSCME, AFL-CIO as a representative, the Commission will direct a separate election among the engineers and they will be eligible to vote in an election to determine if they desire to be represented by District Council 48, AFSCME, AFL-CIO.

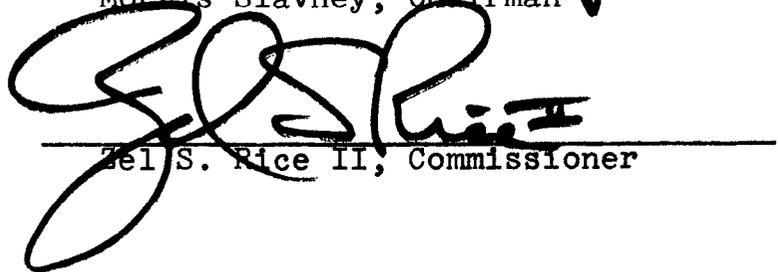
Dated at Madison, Wisconsin, this 27th day of March, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By



Morris Slavney, Chairman



Mel S. Rice II, Commissioner