

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

CITY OF KIEL

Case I
No. 15350 ME-758
Decision No. 10939

Edward D. Evans & Associates, Inc., by Mr. E. D. Evans, and,
Mr. Jack Laun, City Attorney, appearing on behalf of the
Municipal Employer.

Local Union 494, International Brotherhood of Electrical Workers, AFL-CIO, CLC, having petitioned 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 Kiel, Wisconsin; and hearing on such petition having been conducted on March 30, 1972, at Kiel, Wisconsin, by Douglas V. Knudson, Hearing Officer; and the Commission having considered the evidence and being satisfied that questions have arisen concerning representation for certain employes of the above Municipal Employer;

NOW, THEREFORE, it is

That an election by secret ballot be conducted under the direction of the Wisconsin Employment Relations Commission within sixty (60) days from the date of this Directive among all electricians employed by the City of Kiel, excluding the superintendent, department heads and all other employees, who were employed by the Municipal Employer on April 12, 1972, 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 for purposes of collective bargaining by Local Union 494, International Brotherhood of Electrical Workers, AFL-CIO, CLC.

Given under our hands and seal at the
City of Madison, Wisconsin, this 13th
day of April, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Morris Slavney, Chairman

Jos. B. Kerkman, Commissioner

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

During the course of the hearing the parties stipulated that all electricians employed by the Municipal Employer, excluding the superintendent, department heads and all other employes, constitute an appropriate bargaining unit within the meaning of the MERA.

During the course of the hearing an issue arose as to whether Eugene Winkel, a Linesman B, should be included in the unit. Winkel divides his time almost equally between meter reading and other Lineman B duties. The other two employes in the classification of Lineman B normally do not perform meter reading. While progression from Lineman B to Lineman A is not automatic, the on-the-job training received by the Lineman B is expected to result in such a progression when a vacancy occurs.

The Municipal Employer contends that while Winkel is capable of performing all the duties of a Lineman B, he is less efficient than the other Linemen B. The Municipal Employer alleges that Winkel has indicated a lack of interest in advancing to Lineman A and is not qualified to perform the Lineman A duties. The Employer argues that inasmuch as Winkel may never progress to the position of Lineman A, he is not in a direct line of progression in the craft and, therefore, he should be ineligible to vote in the representation election.

The Union contends that Winkel, with the exception of the time he spends on meter reading, performs the same duties and works under the same wage rate and fringe benefits as the other Linemen B. The Union argues that Winkel may qualify for the position of Lineman A in the future and should be eligible to vote in the representation election.

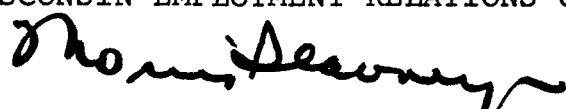
DISCUSSION:

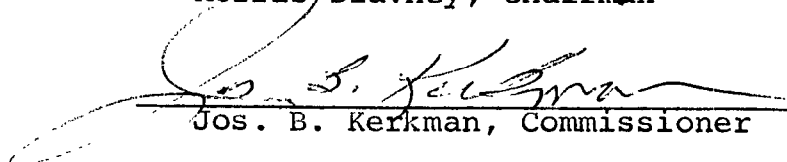
Whether Winkel ever qualifies for and/or advances to a position of Lineman A is speculative and does not alter the fact that he has a definite interest in the wages, hours and working conditions of the above described unit inasmuch as his are similar or identical. Furthermore, Winkel spends half of his time performing the same duties as the other Linemen B. On the basis of the foregoing we conclude that Eugene Winkel is eligible to vote in the election directed this date.

Dated at Madison, Wisconsin, this 13th day of April, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Jos. B. Kerkman, Commissioner