

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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In the Matter of the Petition of	:	
WISCONSIN STATE BUILDING TRADES	:	
NEGOTIATING COMMITTEE AND ITS	:	Case V
APPROPRIATE AFFILIATED BUILDING	:	No. 15579 SE-40
TRADES COUNCILS	:	Decision No. 10991-D
Involving Certain Employees of	:	
STATE OF WISCONSIN	:	

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In the Matter of the Petition of	:	
AMERICAN FEDERATION OF STATE, COUNTY	:	
AND MUNICIPAL EMPLOYEES, COUNCIL 24	:	Case VI
AND ITS AFFILIATED LOCALS	:	No. 15580 SE-41
Involving Certain Employees of	:	Decision No. 10992-D
STATE OF WISCONSIN	:	

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ORDER CLARIFYING BARGAINING UNIT

The Wisconsin Employment Relations Commission heretofore and on December 15, 1972, having conducted an election among all building trades craft employes in the employ of the State of Wisconsin, wherein the employes in said bargaining unit selected Wisconsin State Building Trades Negotiating Committee and its Appropriate Affiliated Building Trades Councils as their bargaining representative; thereafter and on January 4, 1973, the Commission issued its Certification of Representatives in the matter; that, however, during the conduct of the balloting 36 ballots cast by Craftsmen Foremen were challenged since there was no agreement reached between the parties as to whether the employes occupying such classifications were or were not supervisors; and although said challenges did not affect the results of said election, the parties nevertheless desire that the challenges be determined in order to resolve the issue as to whether the position of Craftsman Foreman should or should not be included in the certified bargaining unit; and hearing in the matter having been conducted by the Commission on February 12 and March 5, 1973, at the office of the Commission, Chairman Morris Slavney being present; and the Commission, having reviewed the evidence and arguments of Counsel, and being fully advised in the premises, makes and issues the following


ORDER CLARIFYING BARGAINING UNIT

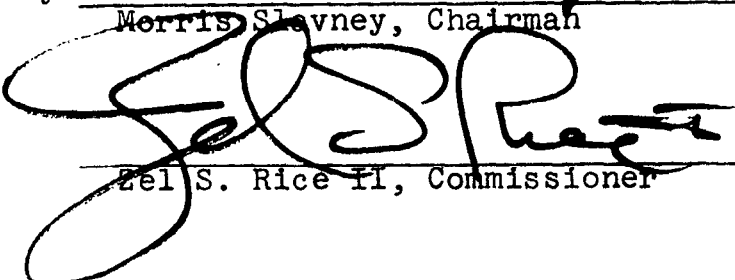
IT IS ORDERED that individuals occupying the positions of Craftsmen Foremen in the employ of the State of Wisconsin are excluded from the collective bargaining unit consisting of building

trades craft employes in the employ of the State of Wisconsin, excluding limited term employes, supervisors, managerial and confidential employes, since the individuals occupying such positions are supervisors within the meaning of Section 111.81(19) of the State Employment Labor Relations Act.

Given under our hands and seal at the City of Madison, Wisconsin, this 16th day of March, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By   
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Morris Slavney, Chairman

  
\_\_\_\_\_  
Del S. Rice II, Commissioner

MEMORANDUM ACCOMPANYING  
ORDER CLARIFYING BARGAINING UNIT

Following an election conducted by it, the Commission, on January 4, 1973, certified the Wisconsin State Building Trades Negotiating Committee and its Appropriate Affiliated Building Trades Councils as the exclusive collective bargaining representative of certain employes of the State of Wisconsin employed in the statutory unit consisting of "building trades crafts." During the course of the election the ballots cast by employes occupying the classification of Craftsman Foreman were taken by challenge, since the parties to the election could not agree, prior to the balloting, as to whether said individuals were either employes or supervisors within the meaning of the State Employment Labor Relations Act.

In all, the ballots of thirty-six Craftsmen Foremen were thus challenged. While the ballots did not affect the final results of the election, both the State and the certified bargaining representative desired a determination as to whether the individuals occupying such classification were to be included or excluded from the unit. During the course of the hearing in the matter evidence was adduced through various witnesses, as well as from various exhibits reflecting organizational charts, "Positions Descriptions" and documents entitled "Supervisory Analysis." The oral testimony, for the most part, related to the various exhibits introduced into evidence during the course of the hearing.

The unit involved is a statutorily created one, as reflected in Section 111.81(3)(a)3 of the State Employment Labor Relations Act, and includes "all building trades craft employes in the employ of the State of Wisconsin, excluding limited term employes, supervisors, managerial and confidential employes." The issue to be determined by the Commission is whether the individuals occupying the classification of Craftsman Foreman are "supervisors" within the meaning of Section 111.81(19), which provides as follows:

"'Supervisor' means any individual whose principal work is different from that of his subordinates and who has authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline employes, or to adjust their grievances, or to authoritatively recommend such action, if his exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment."

A review of the record indicates that the Craftsmen Foremen "supervise" a number of employes, ranging from four to forty; that seventeen spend 100 percent of their time in "supervisory" duties, and that the most number of hours spent in performing duties similar to those "supervised" by an individual occupying such a classification was 40 percent of the time; one additional individual spent 25 percent of his time performing duties similar to those "supervised." None of the remaining Craftsmen Foremen spent over 10 percent of his time in performing such duties. Almost all of the Craftsmen Foremen participated in the hiring process, in making recommendations to higher

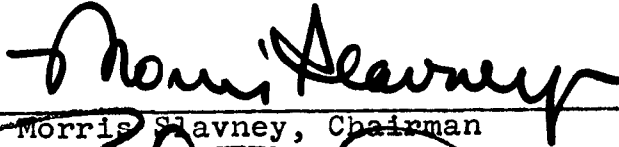
level of supervision regarding discipline and the like, in participating in the evaluation of employes and in representing management in the processing of grievances, primarily in the first step of the grievance procedure.

We are, therefore, satisfied that the individuals occupying the classification of Craftsman Foreman are supervisors within the meaning of Section 111.81(19) of the State Employment Labor Relations Act, and therefore excluded from the collective bargaining unit involved.

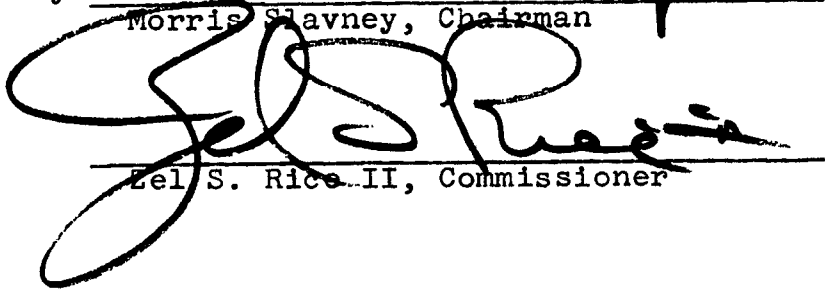
Dated at Madison, Wisconsin, this 16th day of March, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By



Morris Slavney, Chairman



Zel S. Rice II, Commissioner