

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of
LOCAL 2150, I.B.E.W., AFL-CIO
Involving Certain Employees of
CITY OF JEFFERSON
(WATER & ELECTRIC DEPARTMENT)

Case V
No. 15610 ME-792
Decision No. 11039

Appearances:

Mr. Arthur Jark, Manager-Engineer, appearing on behalf of
the Municipal Employer.
Mr. Jerome Ceel, Business Manager, appearing on behalf of
the Petitioner.
Mr. Darold Lowe, Business Representative, appearing on behalf
of the Intervenor.

DIRECTION OF ELECTION

Local 2150, International Brotherhood of Electrical Workers, AFL-CIO, having petitioned the Wisconsin Employment Relations Commission to conduct an election among certain employees of the City of Jefferson Water and Electric Department; and a hearing on such petition having been conducted on May 30, 1972, at Jefferson, Wisconsin, George R. Fleischli, Hearing Officer, being present; and during the course of said hearing Local 655-D, WCCME, AFSCME, AFL-CIO, having been allowed to intervene on its claim that it seeks to represent the employees involved in said petition; and the Commission having considered the evidence and arguments of the parties and being satisfied that questions have arisen regarding the appropriate bargaining unit and concerning representation for certain employees of the Municipal Employer;

NOW, THEREFORE, it is

DIRECTED

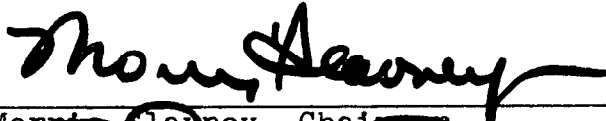
That an election by secret ballot shall be conducted under the direction of the Wisconsin Employment Relations Commission within sixty (60) days from the date of this Directive in the collective bargaining unit consisting of all regular production, maintenance, clerical and operating personnel of the City of Jefferson Water and Electric Department, excluding all supervisory and managerial employees, who were employed by the Municipal Employer on May 30, 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 by Local 2150,

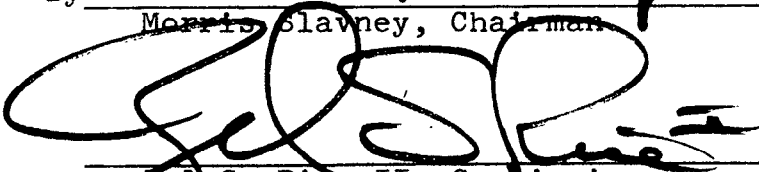
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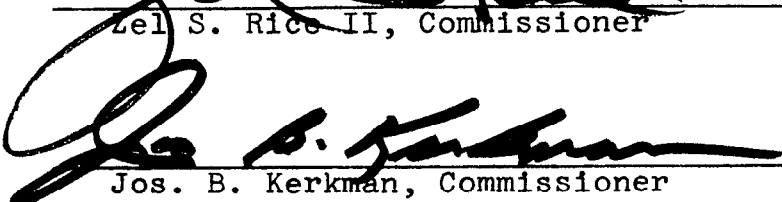
International Brotherhood of Electrical Workers, AFL-CIO, or by Local 655-D, WCCME, AFSCME, AFL-CIO, or by neither of said organizations, for the purposes of collective bargaining with the City of Jefferson Water and Electric Department on wages, hours and conditions of employment.

Given under our hands and seal at the City of Madison, Wisconsin, this 5th day of June, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 
Morris Slawney, Chairman


Zel S. Rice II, Commissioner


Jos. B. Kerkman, Commissioner

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

By its petition, the Petitioner seeks to represent all employees of the City of Jefferson Water & Electric Department. The Municipal Employer raised no objection to the appropriateness of the bargaining unit and the Intervenor indicated that it was willing to stipulate that the bargaining unit sought by the Petitioner is an appropriate bargaining unit.

Even though none of the parties to a proceeding objects to the appropriateness of a bargaining unit, the Commission will not direct an election if the unit agreed upon is not, in the opinion of the Commission, an appropriate unit.

Section 111.70(4)(d)2.a. provides in part as follows:

"The commission shall determine the appropriate bargaining unit for the purpose of collective bargaining and shall whenever possible avoid fragmentation by maintaining as few units as practicable in keeping with the size of the total municipal work force. In making such a determination, the commission may decide whether, in a particular case, the employees in the same or several departments, divisions, institutions, crafts, professions or other occupational groupings constitute a unit. Before making its determination, the commission may provide an opportunity for the employees concerned to determine, by secret ballot, whether or not they desire to be established as a separate collective bargaining unit."

The Water and Electric Department, which is located in a plant separate and apart from the other City departments, is a public utility within the meaning of Section 196.01(1) and Section 66.06(1) of the Wisconsin Statutes and subject to regulation by the Public Service Commission and the various provisions regarding municipally owned public utilities. It is governed by five commissioners elected for staggered terms by the City Council pursuant to Section 66.068 of the Wisconsin Statutes and is operated as a "proprietary" function of government in that it is not dependent upon the City taxing authority for its revenue. The Commissioners have the power to hire and fix the compensation of all employees of the Department.

On the record presented it is clear that the Water and Electric Department constitutes a separate department. The physical separation and autonomy of its operations from the other operations of city government and its dependency on revenue derived from rates approved by the Public Service Commission, rather than tax revenues provide a sufficient basis for establishing a separate bargaining unit without the necessity for a self-determination election as to the unit.

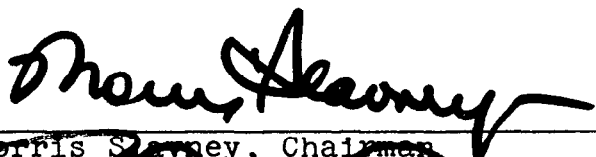
Prior to going on the record at the hearing a question arose concerning the status of Raymond Krause, General Foreman, who coordinates the work performed by the two linemen, the meter reader, and the water serviceman. Krause presently has had no occasion to exercise any supervisory duties beyond those normally performed by a leadman. He works alongside the men and does not normally participate in the decision to hire or fire. Hiring and firing and other personnel matters are handled by the Manager-Engineer of the utility, who is hired by the

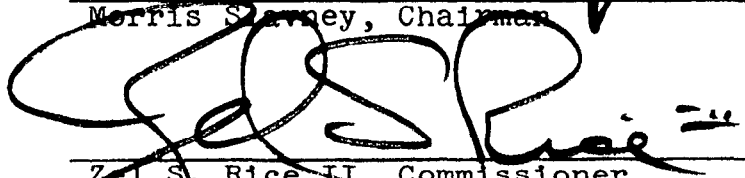
Water and Electric Commission to make such decisions subject to their approval. At the present time there are only 10 employees working for the Water and Electric Department other than the Manager-Engineer.

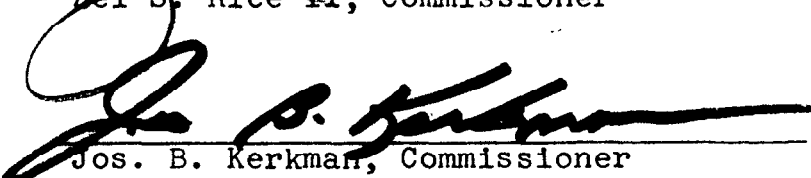
During the course of the hearing, the parties entered into a stipulation that Krause is a working foreman or leadman and not a supervisor within the meaning of Section 111.70(1)(o) of the Wisconsin Statutes, based on his current duties and that therefore, he should be included in the collective bargaining unit and that stipulation is consistent with the definition of a supervisor set out in Section 111.70(1)(o).

Dated at Madison, Wisconsin, this 5th day of June, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 
Morris Starney, Chairman


Zel S. Rice II, Commissioner


Jos. B. Kerkman, Commissioner