

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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| In the Matter of the Petition of | : | |
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| JOINT SCHOOL DISTRICT NO. 10, CITY | : | Case XV |
| OF APPLETON, ET AL | : | No. 15671 ME-798 |
| | : | Decision No. 11046-A |
| For Unit Clarification | : | |
| | : | |

ORDER CLARIFYING BARGAINING UNIT

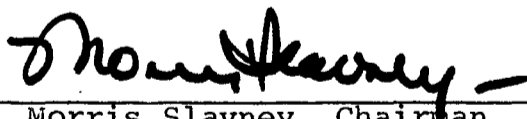
Joint School District No. 10, City of Appleton, et al, having requested the Wisconsin Employment Relations Commission to issue an order clarifying the existing collective bargaining unit to determine whether a certain employe classified as a truck driver is to be included or excluded from a bargaining unit consisting of all regular custodial and maintenance employes of the Municipal Employer but excluding supervisors, craft employes, and all other employes of the Municipal Employer; and hearing in the matter having been conducted at Appleton, Wisconsin on June 29, 1972, Herman Torosian, Hearing Officer, being present; and the Commission, having considered the evidence and arguments of the parties and being fully advised in the premises, makes and issues the following

ORDER

That the employe classified as truck driver is, and shall continue to be, included in the collective bargaining unit consisting of all regular custodial and maintenance employes of Joint School District No. 10, City of Appleton, et al, but excluding supervisors, craft employes, and all other employes of the Municipal Employer.

Given under our hands and seal at the City of Madison, Wisconsin, this 12th day of July, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 
Morris Slavney, Chairman


Jos. B. Kerkman, Commissioner

MEMORANDUM ACCOMPANYING
ORDER CLARIFYING BARGAINING UNIT

The petition seeks a determination whether a certain employe classified as a truck driver should be included in or excluded from the existing bargaining unit consisting of all regular custodial and maintenance employes of the Municipal Employer, but excluding supervisors, craft employes, and all other employes of the Municipal Employer, as certified by the Commission in 1967. A unit presently represented by Local 73, AFSCME, AFL-CIO. 1/

The Municipal Employer filed the instant petition following a change in its organizational structure. Prior thereto both parties considered the truck driver as being included in the above mentioned bargaining unit. The truck driver reported to the Superintendent of the Buildings and Grounds as did the custodians and maintenance employes.

Since the recent re-organization the custodial employes report to the Custodial Supervisor; the maintenance employes report to the Superintendent of Buildings and Grounds; and the truck driver reports to the Purchasing Agent. The Custodial Supervisor, the Supervisor of Buildings and Grounds, and the Purchasing Agent all report to the Director of Administrative Services.

The Union claims the truck driver was a member of the unit when it was certified in 1967. It argues that the basic functions of the position have not changed substantially and that the re-organization of functions is not sufficient cause to exclude the employe.

The Municipal Employer contends that at the time of certification, the employe performed very limited maintenance functions. However, as the school system grew, his duties as truck driver expanded and he discontinued performing what little maintenance duties he had performed.

It appears there has been little basic change in actual duties, however the parties have been assigned different supervisors. It is to be noted, however, that the custodians also report to a different supervisor as a result of the re-organization. In the instant case the Commission is not convinced that a change of supervisors is sufficient to justify exclusion from the unit.

Dated at Madison, Wisconsin, this 12th day of July, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Jos. B. Kerlman, Commissioner

1/ Appleton Board of Education, Dec. No. 8606, 7/68.