

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of :
 :
DRIVERS, WAREHOUSE AND DAIRY EMPLOYEES, :
UNION LOCAL NO. 73, AFFILIATED WITH THE :
INTERNATIONAL BROTHERHOOD OF TEAMSTERS, :
CHAUFFEURS, WAREHOUSEMEN AND HELPERS :
OF AMERICA :
 :
Involving Certain Employes of :
 :
CITY OF GREEN BAY :
 :

Case XXXV
No. 15667 ME-797
Decision No. 11201

Appearances:

- Mr. Dean R. Sederstrom, Vice President, and Mr. Merlin S. Gorzlaneyk,
President, appearing on behalf of the Petitioning Union.
- Mr. Ervin Doepke, City Attorney, appearing on behalf of the
Municipal Employer.
- Mr. Robert J. Oberbeck, WCCME, AFSCME, AFL-CIO, appearing on
behalf of the Intervenor.

DIRECTION OF ELECTION

Drivers, Warehouse and Dairy Employees, Union Local No. 73, affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America having filed a petition with the Wisconsin Employment Relations Commission wherein it requested that the Commission conduct an election pursuant to Section 111.70, Wisconsin Statutes, among certain employes of the City of Green Bay; and hearing on said petition having been held at Green Bay, Wisconsin, on July 12, 1972, Herman Torosian, Hearing Officer, being present; and during the course of said hearing City of Green Bay City Hall Employees Union Local 1672-A, AFSCME, AFL-CIO, having been permitted to intervene in the proceeding on the basis of its claim that it represents the employes involved in the matter; and the Commission having reviewed the evidence and positions of the parties and being fully advised in the premises and being satisfied that a question of representation has arisen concerning representation for certain employes of the City of Green Bay;

NOW, THEREFORE, it is

DIRECTED

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 professional sanitarians employed by the City of Green Bay in its Health Department, but excluding department heads, supervisors and all other employes of the Municipal Employer, who were employed by the Municipal Employer on July 13, 1972, 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 purposes of collective bargaining by Drivers, Warehouse and Dairy Employees, Union Local No. 73, affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, or by City of Green Bay City Hall Employees Union Local 1672-A, AFSCME, AFL-CIO, or by neither of said organizations.

Given under our hands and seal at the City of Madison, Wisconsin, this 4th day of August, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
Morris Slavney, Chairman
Zel S. Rice II
Zel S. Rice II, Commissioner

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

Drivers, Warehouse and Dairy Employees, Union Local No. 73, affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, by petition dated May 24, 1972, and amended on June 12, and July 12, 1972, has petitioned for an election to be conducted among all professional sanitarians employed by the City of Green Bay. At the outset of the hearing City of Green Bay City Hall Employees Union Local 1672-A, AFSCME, AFL-CIO, was permitted to intervene on the basis of its claim that it presently represents the sanitarians.

The petitioned for unit is the same unit certified by the Wisconsin Employment Relations Commission as a professional sanitarian unit in 1968.^{1/} The sanitarians are presently covered by a collective bargaining agreement between City of Green Bay City Hall Employees Union Local 1672-A, AFSCME, AFL-CIO and the Municipal Employer which expires December 31, 1972.

The Intervenor argues that the Commission should not conduct an election in the petitioned unit in that said unit does not constitute an appropriate unit within the meaning of the Municipal Employment Relations Act, as amended. The Intervenor argues that the only appropriate unit for professional sanitarians would be one including all professionals employed by the City of Green Bay.

Section 111.70(1)(e) of the Municipal Employment Relations Act provides as follows:

"'Collective bargaining unit' means the unit determined by the commission to be appropriate for the purpose of collective bargaining."

Section 111.70(4)(d)2a of the Municipal Employment Relations Act provides 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 employes in the same or several departments, divisions, institutions, crafts, professions or other occupational groupings constitute a unit."

Given the fact that the Petitioner has only petitioned for professional sanitarians, to the exclusion of all other employes of the City, and the fact that sanitarians currently have their own separate professional collective bargaining unit, the Commission will not upset said relationship, and other bargaining relationships involving professionals which have been established in the past, by requiring the Petitioner to petition for all professionals as urged by the Intervenor. For said reasons the Commission concludes that a unit comprising of all professional sanitarians is an appropriate unit within the meaning of Section 111.70(4)(d)2a.

^{1/} City of Green Bay (City Hall), Decision No. 8390, 3/68.

Based on the above the Commission has today directed an election to determine whether a majority of sanitarians desire to be represented for the purposes of collective bargaining by Drivers, Warehouse & Dairy Employees, Union Local No. 73, affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America, or by City of Green Bay City Hall Employees Union Local 1672-A, AFSCME, AFL-CIO, or by neither of said organizations. Should the sanitarians select the Petitioner as their representative, the Petitioner will be obligated to enforce and administer the substantive provisions of the present collective bargaining agreement which expires December 31, 1972, between the Municipal Employer and the Intervenor, Local 1672-A, inuring to the benefit of the sanitarians. Any provision which runs to the benefit of the former bargaining agent, Local 1672-A, will be considered extinguished and unenforceable.

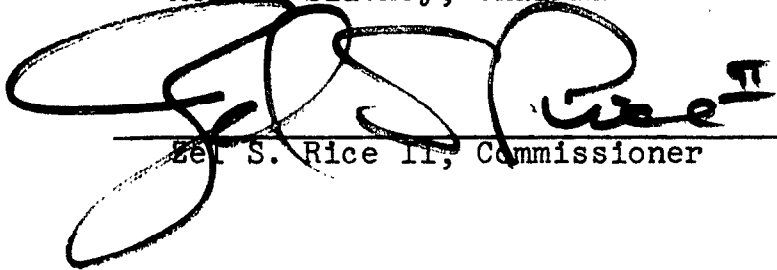
Dated at Madison, Wisconsin, this 4th day of August, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By



Morris Slavney, Chairman



S. Rice II, Commissioner