

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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In the Matter of the Petition of  
MILWAUKEE DISTRICT COUNCIL 48,  
AMERICAN FEDERATION OF STATE,  
COUNTY AND MUNICIPAL EMPLOYEES,  
AFL-CIO

Involving Certain Employees of  
UNITED COMMUNITY SERVICES OF GREATER  
MILWAUKEE, INC.  
Milwaukee, Wisconsin  
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Case I  
No. 15869 E-2751  
Decision No. 11281

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In the Matter of the Petition of  
DONALD J. BALLINGER

Involving Certain Employees of  
UNITED COMMUNITY SERVICES OF  
GREATER MILWAUKEE, INC.  
Milwaukee, Wisconsin  
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Case II  
No. 15986 E-2754  
Decision No. 11282

ORDER FOR HEARING

Milwaukee District Council 48, American Federation of State, County and Municipal Employees, AFL-CIO, and United Community Services of Greater Milwaukee, Inc. having executed and filed with the Wisconsin Employment Relations Commission a stipulation requesting an election among all clerical, technical and social services employees of the Employer, excluding the supervisory, confidential, temporary employees and the consultant, to determine whether the employees in said unit desire to be represented by Milwaukee District Council 48, American Federation of State, County and Municipal Employees, AFL-CIO; and prior to any further action, Donald J. Ballinger, on behalf of certain professional employees in the employ of the Employer having, on September 5, 1972, filed a petition requesting an election among all professional employees in the employ of the Employer, excluding those in managerial positions to determine whether said professional employees desire to be represented for the purposes of collective bargaining by Donald J. Ballinger; and the Commission, being fully advised in the premises and being satisfied that hearing be conducted in the matter to determine the appropriate bargaining unit or units involved;

NOW, THEREFORE, it is

ORDERED

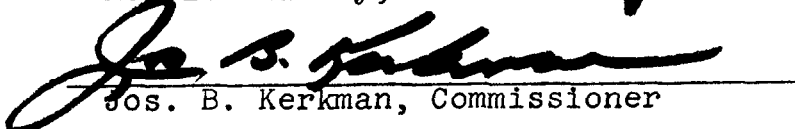
That hearing in the above entitled matters be held on Tuesday, September 26, 1972, at 10:00 a.m. at the Milwaukee State Office Building, Room 560, 819 North Sixth Street, Milwaukee, Wisconsin.

Given under our hands and seal at the  
City of Madison, Wisconsin, this 11th  
day of September, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slavney, Chairman

  
Jos. B. Kerkman, Commissioner

Nos. 11281 and  
11282

MEMORANDUM ACCOMPANYING ORDER FOR HEARING

AFSCME and the Employer on August 3, 1972, executed a stipulation requesting an election to determine bargaining representatives for all clerical, technical and social services employees of the Employer, excluding the supervisory, confidential, temporary employees and the consultant, and attached to and made part of the stipulation was a list of the employees whom AFSCME and the Employer agreed were included in the unit. The parties requested that due to the number of vacations taken by the employees that the election should be scheduled for some-time after Labor Day. As a result, the Commission had delayed the issuance of the Direction of Election, and prior to issuing its Direction the Commission received a petition filed by Donald J. Ballinger, an employee of the Employer, wherein he claimed to represent a majority of the professional employees of the Employer and wherein he requested an election in a unit consisting of the professional employees in the employ of the Employer.

Section 111.02(6) defines the term collective bargaining unit as "all the employees of one employer except that where a majority of such employees engaged in a single craft, division, department or plant shall have voted by secret ballot as provided in section 111.05(2) to constitute such group a separate bargaining unit they shall be so considered . . ." The Commission has consistently equated professional employees with craft employees. Therefore, under the statute professional employees engaged in a single profession have a right to determine for themselves whether they desire to constitute a bargaining unit separate and apart from other employees of the Employer.

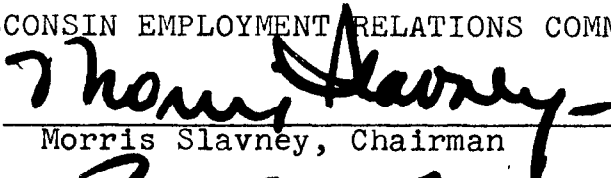
The stipulation for election executed by AFSCME and the Employer would include all otherwise eligible employees of the Employer in both professional and non-professional. The petition filed by Mr. Ballinger was supported by a showing of interest sufficient to establish that Mr. Ballinger had been designated as a representative of at least some of the professional employees. We have set hearing in the matters to take evidence with regard to whether the employees claimed to be professional are, in fact, professional employees, and if so, the Commission will direct a separate election wherein said professional employees would be given an opportunity to establish themselves as a separate bargaining unit. If a majority of the professional employees eligible to vote, vote in favor of the separate unit, they shall be so considered and thereupon the Commission will direct an election in said separate unit to determine their choice as to representation.

If the professional employees do not vote in favor of a separate unit, they will be included in the overall unit.

Dated at Madison, Wisconsin, this 11th day of September, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slavney, Chairman

  
Jos. B. Kerkman, Commissioner