

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Case XIX
No. 16617 ME-897
Decision No. 11714-A

Mr. William Sandoval, Representative, for the Petitioner.
Mr. George Protogere, Administrator, for the Municipal Employer.

Menasha City Hall Employees, Local 1035-B, WCCME, AFSCME, AFL-CIO, having petitioned the Wisconsin Employment Relations Commission to issue an Order clarifying an existing collective bargaining unit of City Hall employees in the employ of the City of Menasha; and hearing on such petition having been conducted at Menasha, Wisconsin, on April 23, 1973; and the Commission having considered the evidence and arguments of Counsel and being fully advised in the premises, makes and files the following

That the appropriate collective bargaining unit of City Hall employees in the employ of the City of Menasha consists of all regular full-time and regular part-time employees of the City of Menasha employed in the City Office and all non-deputized employees in the Police Department of the Municipal Employer, but excluding superintendents, the Deputy Treasurer, Garage Clerks, supervisory and confidential employees.

Given under our hands and seal at the
City of Madison, Wisconsin, this 18th
day of June, 1973.

By

Morris Slavney, Chairman

Zel S. Rice II, Commissioner

Jos. B. Kerkman, Commissioner

MEMORANDUM ACCOMPANYING
ORDER CLARIFYING BARGAINING UNIT

The instant proceeding was initiated by a petition filed March 12, 1973, by Menasha City Hall Employees, Local 1035-B, WCCME, AFSCME, AFL-CIO, for clarification of the bargaining unit of City Hall employees of the City of Menasha. Specifically, the Petitioner seeks to expand the voluntarily recognized collective bargaining unit to include the two clerk/stenographer-dispatcher positions and the one clerk/stenographer position employed in the Police Department of the Municipal Employer. The bargaining unit presently consists of: "all regular full-time and regular part-time employees in the City Office. . . excluding all superintendents, supervisory and confidential personnel . . . the deputy treasurer and garage clerk". 1/ The classifications falling within the aforementioned unit include: payroll clerk, clerk stenographer, Deputy Assessor, Engineering Aide and janitress. 2/

The Police Department is physically separated from the City Hall facility. None of the three positions in dispute are deputized police department employees. The clerk/stenographer-dispatchers perform clerical duties and serve as radio dispatchers in the Police Department. The clerk/stenographer performs clerical work in the department and also works in the data processing center.

The Petitioner argues that the exclusion of the police department clerical employees from the City Hall unit, which was voluntarily recognized by the Municipal Employer in 1969, was stipulated to by the parties in that the positions were staffed on an experimental basis at that time. However, the Petitioner avers that subsequent to voluntary recognition, the clerical positions in the police department were made permanent. The Petitioner reasons that the aforementioned clerical positions, as non-deputized employees of the City of Menasha in the Police Department, are an appropriate accretion to the existing City Hall employees' unit.

The Municipal Employer does not contest the eligibility of the three clerical police department positions for representation in a collective bargaining unit. The parties agree that the three positions are strictly clerical and do not possess supervisory, confidential, professional or managerial responsibility. However, the Municipal Employer, contrary to the Petitioner, argues that an election should be conducted to determine whether or not the clerical employees in the Police Department desire to be represented in the overall City Hall unit or in a separate unit.

In order to effectuate the statutory directive to "avoid fragmentation", 3/ this Commission has previously held an accretion of positions to an existing unit to be appropriate where 1) the size of the collective bargaining unit has not been significantly affected by the inclusion of additional positions and, thus, the representative status of the union has not been affected; and 2) the employees in the existing unit and employees in accreted positions perform similar or related duties and share a community of interest in "wages, hours and conditions of employment." 4/

1/ 1973 agreement between the City of Menasha and Menasha City Hall Employees, Local 1035-B, AFSCME, AFL-CIO, p. 1.

2/ Ibid, p. 13.

3/ Section 111.70(4)(d), Wisconsin Statutes.


4/ City of Fond du Lac (11830) 5/73.

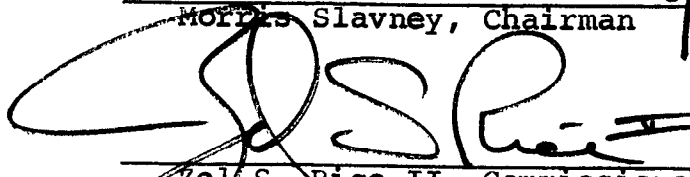
We are satisfied that the positions of clerk/stenographer-dispatcher and clerk/stenographer perform duties similar to those performed by City Hall clerical employees and share a community of interest with the City Hall unit with regard to "wages, hours and conditions of employment". We conclude that the non-deputized employees of the City of Menasha, Police Department are appropriately included in the existing City Hall collective bargaining unit.

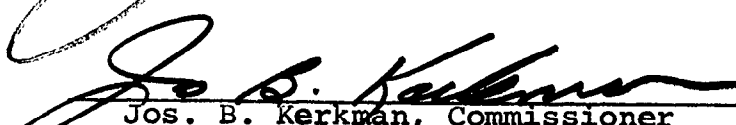
Dated at Madison, Wisconsin, this 18th day of June, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Zel S. Rice II, Commissioner


Jos. B. Kerkman, Commissioner