

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

FOND DU LAC CITY EMPLOYEES LOCAL 1366, :
WISCONSIN COUNCIL OF COUNTY AND :
MUNICIPAL EMPLOYEES, AFSCME, AFL-CIO :

Case XX
No. 16577 ME-893
Decision No. 11830

Involving Certain Employes of

CITY OF FOND DU LAC

Appearances:

Mr. William Sandoval, District Representative, appearing on
behalf of the Union.

Mr. William J. Wagner, Personnel Director, appearing on behalf
of the Municipal Employer.

ORDER DISMISSING PETITION FOR ELECTION AND
CLARIFYING BARGAINING UNIT

Fond du Lac City Employees Local 1366, Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, having petitioned the Wisconsin Employment Relations Commission to conduct an election among certain employes in the employ of the City of Fond du Lac, Wisconsin; and hearing in the matter having been conducted on May 3, 1973, Commissioner Jos. B. Kerkman 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 petition for election in the instant matter should be, and the same hereby is, dismissed; and that the collective bargaining unit previously certified by the Wisconsin Employment Relations Commission on October 20, 1967, consisting of "all regular full-time and regular part-time employes of the City of Fond du Lac employed in the Public Works Department, Health Department and City Hall, excluding elected and appointed officials, department heads, professional employes, confidential employes and supervisors as defined in the Act", be amended to reflect that all employes in the Department of Transportation of the City of Fond du Lac, excluding the director, are to be included in said collective bargaining unit.

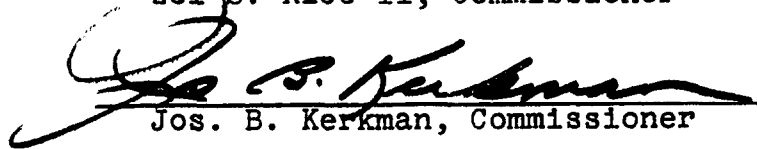
Given under our hands and seal at the
City of Madison, Wisconsin, this 8th
day of May, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slawney, Chairman


Zel S. Rice II, Commissioner


Jos. B. Kerkman, Commissioner

No. 11830

MEMORANDUM ACCOMPANYING ORDER DISMISSING PETITION
FOR ELECTION AND CLARIFYING BARGAINING UNIT

Fond du Lac City Employees Local 1366, Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, hereinafter referred to as the Union, initiated the instant proceeding by the filing of a petition requesting an election among the employees of the Department of Transportation of the City of Fond du Lac, hereinafter referred to as the Municipal Employer. During the course of the hearing conducted on May 3, 1973, the Union took the position that the employees of the Department of Transportation were a proper accretion to the existing collective bargaining unit and that an election would not be necessary. The Municipal Employer took no position in the matter.

The evidence discloses that the City assumed the operation and ownership of the bus line on January 15, 1973, from the Fond du Lac Bus Cooperative. There had been no collective bargaining agreement in existence between Fond du Lac Bus Cooperative and their employees, and all of the employees of the Fond du Lac Bus Cooperative were employed by the City of Fond du Lac as of January 15, 1973.

The Municipal Employer and the Union had entered into a collective bargaining agreement for the employees covered under the certification as issued by the Wisconsin Employment Relations Commission on October 20, 1967, in December of 1972 for the year 1973. The evidence further discloses that pursuant to the aforementioned certification all employees of the City of Fond du Lac, with the exception of protective personnel and with the exception of elected and appointed officials, department heads, professional employees, confidential employees and supervisors as defined in the Act, are included in one unit under the existing certification. The evidence further discloses that the Union now holds signed authorization cards from six of the seven Department of Transportation employees involved in this proceeding and furthermore the existing unit now covers approximately 128 employees.

After giving consideration to the fact that the community of interest of the mechanic and drivers within the Department of Transportation is essentially the same as that of other drivers and mechanics employed by the Municipal Employer; and after considering the directive of the statute to "avoid fragmentation";^{1/} and since the results of the original election overwhelmingly indicated that the employees involved selected the Union as the bargaining representative, and that the inclusion of the positions in the Department of Transportation of the Municipal Employer would and does not affect the representative status of the Union; we are persuaded that said positions are a proper accretion to the existing unit.

The accretion of the employees in the Department of Transportation to the existing unit does not automatically extend the 1973 collective bargaining agreement, presently in effect, to cover said employees.

^{1/}

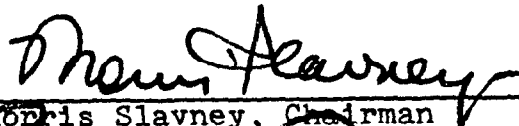
See Section 111.70(4)(d), Wisconsin Statutes.

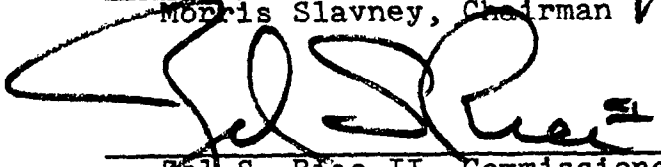
Their accretion to the unit will have its impact on the bargaining for the 1974 collective bargaining agreement. However, there is nothing to prevent the Municipal Employer and the Union to agree to extend all or any of the provisions of the existing agreement to the employees in the Department of Transportation.

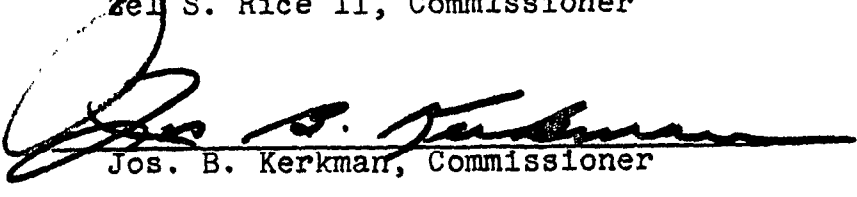
Dated at Madison, Wisconsin, this 8th day of May, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Zel S. Rice II, Commissioner


Jos. B. Kerkman, Commissioner

