

MEMORANDUM ACCOMPANYING
ORDER CLARIFYING BARGAINING UNIT

The Union, contrary to the City, contends that the position in question should be included in the bargaining unit which the Union represents. That unit is described as the employes in the Department of Public Works, and the Park and Recreation Department. The Union's representative status regarding this unit is by voluntary recognition, not by Commission certification. Several other departments of the City are not represented by any labor organization.

The City contends that the position in question is that of the head of a department and therefore not properly included in the unit because of both separate department and managerial status.

The record indicates that the City has operated a dump for many years, possibly longer than the Union has been representing the unit in question; and that throughout that period the dump has been operated by a relatively low paid employe who was either assigned to another position, or who was a retiree not compensated with wages, and not considered to be within the bargaining unit. Then, during 1972, the City, pursuant to a stipulation which it entered with the Department of Natural Resources, created and filled the instant position to operate the dump site in a much more elaborate manner.

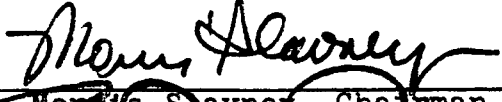
The employe in the present position is responsible directly to the Mayor and compensated on the department head level. Neither the budget nor the equipment for the dump operation is mingled with that of any other department. He prepares the budget draft for this operation, expends sums up to \$500 in furtherance thereof, maintains and operates the equipment at the site, collects and records fees paid and owing by parties using the site, and is responsible for the compliance with all local and State regulations at the dump. His working day mainly consists of operating a bulldozer and directing, and otherwise dealing with, those who appear at the site to use the facilities, however it is clear that he is in sole charge of this rather substantial operation.

On the basis of the record, the Commission concludes that the instant position should not be included in the recognized unit. It is not related to either of the Departments specified by the recognition agreement, and is also a managerial position.

Dated at Madison, Wisconsin, this 26th day of June, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris S. Shavney, Chairman


Zel S. Rice II, Commissioner


Jos. B. Kerkman, Commissioner