

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Case XI
No. 16733 ME-920
Decision No. 11897

City of Wisconsin Rapids having requested the Wisconsin Employment Relations Commission to issue an order to determine whether employees classified as Assistant Assessor are to be excluded from the bargaining unit consisting of all regular full-time and regular part-time employees employed in the Wisconsin Rapids City Hall, but excluding elected and appointed personnel, supervisory employees, confidential clerical employees, Deputy City Clerk and non-clerical employees in the Engineering Department; and hearing in the matter having been conducted at Wisconsin Rapids, Wisconsin on May 16, 1973, Douglas V. Knudson, Hearing Officer, 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,

That the employees classified as Assistant Assessor are, and shall continue to be, included in the collective bargaining unit consisting of all regular full-time and regular part-time employees employed in the Wisconsin Rapids City Hall, but excluding elected and appointed personnel, supervisory employees, confidential clerical employees, Deputy City Clerk, and non-clerical employees in the Engineering Department.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Morris Slavney, Chairman

~~Del S. Rice II, Commissioner~~

No. 11897

MEMORANDUM ACCOMPANYING
ORDER CLARIFYING BARGAINING UNIT

The petition seeks a determination whether two employees classified as Assistant Assessors should be excluded from the existing bargaining unit consisting of all regular full-time and regular part-time employees employed in the Wisconsin Rapids City Hall, but excluding elected and appointed personnel, supervisory employees, confidential clerical employees, Deputy City Clerk and non-clerical employees in the Engineering Department, as certified by the Wisconsin Employment Relations Commission on August 21, 1970. Said unit is presently represented by Wisconsin Rapids City Employees Local 1075, WCCME, AFSCME, AFL-CIO. 1/ The Employer contends that the Assistant Assessors are professional employees and, therefore, should be excluded from the overall unit of non-professional employees described above, in accordance with Section 111.70(4)(d)2.a. of the Municipal Employment Relations Act which, inter alia, provides that: "The Commission shall not decide, however, that any unit is appropriate if the unit includes both professional employees and nonprofessional employees, unless a majority of the professional employees vote for inclusion in the unit."

Currently the Employer has hired some temporary part-time employees to assist the Assessor's Department for a city wide assessment audit. Said temporary employees work under the direction of the Assessor and Assistant Assessors. One of the Assistant Assessors assumes supervisory authority over the one clerical employee in the City Assessor's office in the absence of the Assessor. Inasmuch as the Assessor has supervisory authority over these employees, we conclude that the position of Assistant Assessor is not supervisory.

The qualifications of the Assistant Assessor position requires either two years of college training in business education, business law and business communication and two years experience in estimating building and construction costs and appraising real estate, or a college degree in economics, engineering or public administration. The position requires a knowledge of assessment laws and procedures relative to determining construction costs and to the placing of values on real estate and personal property. The position duties include making field inspections of real estate and personal property of individuals and of business, professional and commercial concerns relative to factors having a bearing on their value, calculating assessments of real estate and personal property, preparing legal descriptions and plats of property, assisting in preparing assessment rolls and reports, hearing complaints and giving information regarding assessments and assessment procedures, and testifying at Board of Review hearings on contested assessments. Such duties are performed under the supervision of the City Assessor.

Section 111.70(1)(1) of the Municipal Employment Relations Act sets forth the following definition of "professional employees":

- "(1) "Professional employee" means:
 - 1. Any employee engaged in work:
 - a. Predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical or physical work;

1/ City of Wisconsin Rapids (9817) 8/70

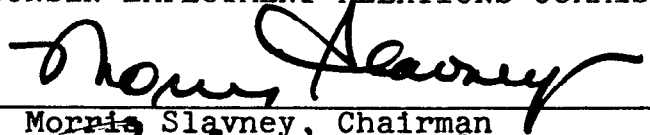
- b. Involving the consistent exercise of discretion and judgment in its performance;
 - c. Of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time;
 - d. Requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher education or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual or physical process; or
2. Any employee who:
- a. Has completed the courses of specialized intellectual instruction and study described in subd. 1.d;
 - b. Is performing related work under the supervision of a professional person to qualify himself to become a professional employee as defined in subd. 1."

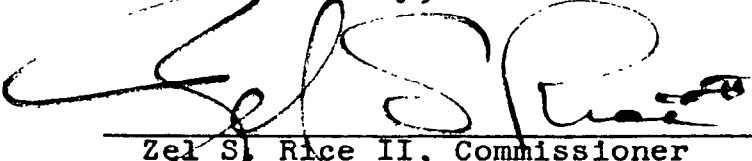
The requirements of the position of Assistant Assessor do not meet the standards as set forth therein and, accordingly, we find that the Assistant Assessors are not professional employees and should continue to be included in the existing bargaining unit. 2/

Dated at Madison, Wisconsin, this 31st day of May, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Zel S. Rice II, Commissioner

2/ City of Kenosha, (7529-A) 6/66; City of Green Bay (10474) 8/71;
City of Racine, (10623) 11/71; City of Oak Creek, (10890) 3/72.