

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

MILWAUKEE DISTRICT COUNCIL 48, AFSCME,
AFL-CIO AND ITS AFFILIATED LOCAL 1954

For a Referendum on the Question
of an All-Union Agreement between

INNER CITY DEVELOPMENT PROJECT, INC.
Milwaukee, Wisconsin, Employer

and MILWAUKEE DISTRICT COUNCIL 48,
AFSCME, AFL-CIO AND ITS AFFILIATED
LOCAL 1954, Union

Case II
No. 17712 R-5622
Decision No. 12653

Appearances:

Mr. Nick Ballas, Staff Representative, appearing on behalf of
the Petitioner.

Mr. Frederick A. Miller, Attorney at Law, appearing on behalf
of the Employer.

DIRECTION OF REFERENDUM

Milwaukee District Council 48, AFSCME, AFL-CIO and its affiliated Local 1954 having filed a petition with the Wisconsin Employment Relations Commission requesting that the Commission conduct a referendum among certain employees of Inner City Development Project, Inc. to determine whether the required number of such employees favor an "All-Union Agreement" between said Petitioner and said Employer; and hearing in the matter having been held on April 23, 1974, at Milwaukee, Wisconsin, Marshall L. Gratz, Hearing Officer, being present; and the Commission being satisfied that a question concerning the authorization of an "All-Union Agreement" exists;

NOW, THEREFORE, it is

DIRECTED

That a referendum by secret ballot be conducted under the direction of the Wisconsin Employment Relations Commission in the collective bargaining unit consisting of all employees of Inner City Development Project, Inc. including Center Managers, Assistant Center Managers (Supervisors), Specialists, Community Workers (all levels 1-2-3) and Secretaries, but excluding Project Director, Assistant Project Director and Administrative Secretary, who were employed by the Employer on April 26, 1974, except such employees as may prior to the referendum quit their employment or be discharged for cause, for the purpose of determining whether or not the required number of such employees favor an "All-Union Agreement" between the Employer and the Union named above.

Given under our hands and seal at the
City of Madison, Wisconsin, this 26th
day of April, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Morris Slavney
Morris Slavney, Chairman

Howard S. Bellman
Howard S. Bellman, Commissioner

MEMORANDUM ACCOMPANYING DIRECTION OF REFERENDUM

The petition in the instant case was filed with the Commission on March 5, 1974. As originally filed, the petition set forth the following "Description of Claimed Appropriate Bargaining Unit":

"Included: Center Managers
Assistant Center Managers (Supervisors)
Specialists
Community Workers (all levels 1-2-3)
Secretaries
Excluded: Executive Director
Assistant Executive Director
Executive Secretary"

During the hearing it was stipulated that the Employer had theretofore voluntarily recognized the Union, in writing, as representative of employees in the above noted bargaining unit. 1/

Following an informal discussion between the parties, it was stipulated that the voluntarily recognized bargaining unit would be properly described as follows:

"All employees of Inner City Development Project, Inc. including Center Managers, Assistant Center Managers (Supervisors), Specialists, Community Workers (all levels 1-2-3) and Secretaries, but excluding Project Director, Assistant Project Director and Administrative Secretary."

During the discussion concerning the proper description of the voluntarily recognized bargaining unit, Center Manager Rosemary Holley asserted that Center Managers have the authority to hire and fire and should therefore be excluded from the collective bargaining unit as supervisors. The representatives of the Union and the Employer remained in agreement that Center Managers were included in the existing voluntarily recognized bargaining unit and neither requested any clarification thereof. The Hearing Officer informed Ms. Holley that a determination by the Commission that a referendum vote be conducted in the voluntarily recognized unit would not constitute a Commission determination as to the appropriateness of that unit and would not, in and of itself, affect the rights of any party to seek a clarification of the voluntarily recognized bargaining unit.

The Commission has directed that a referendum be conducted in the collective bargaining unit with respect to which the Employer has voluntarily recognized the Union as exclusive representative.

It was agreed that the eligibility cut-off date would be the date of the Commission's Direction of Referendum herein.

Dated at Madison, Wisconsin, this 26th day of April, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
Morris Slavney, Chairman

Howard S. Bellman
Howard S. Bellman, Commissioner

1/ That fact was noted in the Commission's Order of Dismissal of a petition for election filed by the Union. See, Case I, Decision No. 12386 (1/74).