

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of :

JOHN L. LERCH :

Requesting a Clarification of the :
Bargaining Unit Consisting of :
Professional Sanitarians in the :
Employ of :

CITY OF GREEN BAY :

Case XLVII
No. 17756 ME-1038
Decision No. 12682

ORDER OF DISMISSAL

On March 19, 1974, John L. Lerch, an individual employed as an Assistant Sanitarian by the City of Green Bay, filed a petition with the Wisconsin Employment Relations Commission requesting that the Commission clarify an existing bargaining unit consisting of Professional Sanitarians in the employ of the Health Department of the City of Green Bay so as to include said Petitioner in said bargaining unit, which is presently represented by Drivers, Warehouse and Dairy Employee's Union Local No. 75; and thereafter and on March 26, 1974, the Commission having served copies of said petition upon the City of Green Bay and upon Green Bay Municipal Employees Union, Local 1672, AFSCME, AFL-CIO, the certified collective bargaining representative of employes in a unit in which the classification of Assistant Sanitarian is presently included, to solicit their views with regard to the petition filed herein; and that on April 2, 1974, the City of Green Bay, by its Labor Negotiator, in writing, having advised the Commission, AFSCME and the Petitioner that the existing Certification regarding the Professional Sanitarians is proper; and on April 10, 1974, the representative of AFSCME, in writing, advised the Commission that in its view the position of Assistant Sanitarian was not a professional position and, therefore, the petition should be dismissed; and said Local No. 75 having failed to respond in the matter; and the Commission having considered the petition as well as the positions of said Municipal Employer and AFSCME, being satisfied that the petition be dismissed;

NOW, THEREFORE, it is

ORDERED

That the petition filed herein by John L. Lerch, an individual employe, requesting clarification of an existing

bargaining unit consisting of Professional Sanitariums in the employ of the Health Department of the City of Green Bay be, and the same hereby is, dismissed.

Given under our hands and seal at the City of Madison, Wisconsin, this 8th day of May, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By *Morris Slavney*
Morris Slavney, Chairman

Zel S. Rice II, Commissioner

Howard S. Bellman
Howard S. Bellman, Commissioner

MEMORANDUM ACCOMPANYING ORDER OF DISMISSAL

The Commission has determined that it will not entertain petitions for unit clarification filed by individual employes which are not supported by any interested labor organization or the Municipal Employer. We recognize that in a very few cases processed in the past such petitions have been entertained, and to that extent we hereby assert a new policy reversing our prior disposition in such matters.

Unit clarification proceedings are not specifically referred to in the Municipal Employment Relations Act, but are conducted by the Commission as an adjunct of our jurisdiction over representation disputes under Section 111.70(4)(d), to provide an orderly impartial proceeding for the review of collective bargaining units. This is done in order to relieve labor organizations and Municipal Employers of an area of dispute. Where neither of such parties deem that such a dispute exists, we do not believe our processes should be burdened further. Were all individual employes who do not agree with their unit placement to have access to such proceedings, without regard to the desires of their Municipal Employers or labor organization, the result would, in our judgment, provide an unwarranted expansion in the Commission's caseload, without sufficient statutory or budgetary basis.

Dated at Madison, Wisconsin, this 8th day of May, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By *Morris Slavney*
Morris Slavney, Chairman

Zel S. Rice II, Commissioner

Howard S. Bellman
Howard S. Bellman, Commissioner