

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

CITY OF RACINE

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Case XLVI
No. 18013 ME-1072
Decision No. 12918

Mr. Albert Reid, City Clerk, appearing on behalf of the Municipal Employer.

No. 12918

UNIT NO. 2

All regular full-time and all regular part-time Electrical Inspectors, excluding supervisors, confidential and all other employes of the City of Racine,

UNIT NO. 3

All regular full-time and all regular part-time Plumbing Inspectors, excluding supervisors, confidential and all other employes of the City of Racine,

UNIT NO. 4

All regular full-time and all regular part-time Sanitarians excluding supervisors, confidential and all other employes of the City of Racine,

UNIT NO. 5

All regular full-time and all regular part-time Sanitarian Aides excluding supervisors, confidential and all other employes of the City of Racine,

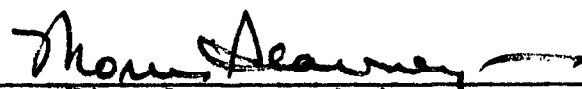
UNIT NO. 6

All regular full-time and all regular part-time Chemists excluding supervisors, confidential and all other employes of the City of Racine.


Given under our hands and seal at the
City of Madison, Wisconsin this 6th
day of August, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Zel S. Rice II, Commissioner


Howard S. Bellman, Commissioner

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTIONS

Presently, the City of Racine and AFSCME, Local 2239 are parties to a collective bargaining agreement for calendar years 1973-1974, covering employees classified as Building Inspectors, Electrical Inspectors, Plumbing Inspectors, Sanitarians, Sanitarian Aides, Laboratory Technologists, Chemists and Crossing Guards, all in one bargaining unit.

On May 21, 1974, Robert Smithson, on behalf of employees classified as Building Inspectors, Electrical Inspectors, Plumbing Inspectors, Sanitarians, Sanitarian Aides, Chemists excluding Laboratory Technicians and Crossing Guards, filed a petition with the Commission requesting that an election be held among said employees, in one unit, to determine whether said employees desire that Local 2239 continue to represent them.

During the course of the hearing held on June 27, 1974, Local 2239 was permitted to intervene on the basis of its claim that it represents said employees. It is the position of Local 2239 that the Commission should not conduct any election because the Petitioner did not comply with the 30 percent showing of interest required for second elections. In this regard, Local 2239 points out that the list of employees attached to the petition filed by the Petitioner only contains the signature of 13 employees out of a unit consisting of 63 employees. The City takes a neutral position in the instant matter.

Petitioner claims that an election should be conducted among employees occupying only the positions of Building Inspectors, Electrical Inspectors, Plumbing Inspectors, Sanitarians, Sanitarian Aides and Chemists, or in the alternative should be permitted to have a separate election among employees in each classification in the same manner as elections were conducted by the Commission in said classifications in 1971.

In regard thereto, the Commission, in 1971, 1/ found Sanitarians, Laboratory Technologists and Chemists to be professional employees, and on said basis conducted separate elections in separate units among employees occupying those positions. The Commission also found Building Inspectors, Electrical Inspectors, and Plumbing Inspectors to be craft positions and conducted separate elections in separate units among employees in each of those classifications. The Commission found Sanitarian Aides to be non-professional and included said Aides in the overall non-professional City Hall unit. The Commission also conducted an election in a unit consisting of all Crossing Guards.

The Laboratory Technologists, Chemists, Sanitarians, Building Inspectors, Electrical Inspectors, Plumbing Inspectors and Crossing Guards all voted in favor of representation by Local 2239 and the Commission issued certifications accordingly. The non-professional unit of City Hall employees, which included Sanitarian Aides, voted against Union representation.

After the certifications of results of said elections, the City and Local 2239 entered into the instant collective bargaining agreement covering all of the above-mentioned employees in one unit.

Where the Commission has certified separate appropriate collective bargaining units, as was done in the instant case, and the Employer

1/ City of Racine, 10389-C, 10620-10625 (1971).

and the Union after said determination establish a collective bargaining unit combining said units, the Commission, for a second election, will not require a 30 percent showing of interest for the combined unit, but rather will only require a 30 percent showing of interest among employees in units which may be appropriate. The showing of interest for such separate units was sufficient to warrant further proceedings. For said reasons, the Commission has today directed separate elections among employees in the following separate units consisting of Building Insepctors, Electrical Inspectors, Plumbing Inspectors, Sanitarrians, and Chemists.

Since the Sanitarian Aides were included in an overall City Hall unit which rejected representation in 1971, and the parties subsequently included them in the unit in question here, without any evidence on the record herein of authorization by the Aides, the Commission will permit the Aides to also vote separately to determine if they desire that Local 2239 continue to represent them.

Since the petition did not request elections among the Laboratory Technologists and Crossing Guards, no elections will be conducted among said employees.

Dated at Madison, Wisconsin this 6th day of August, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Morris Slavney
Morris Slavney, Chairman

Zel S. Rice II
Zel S. Rice II, Commissioner

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