

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

GENERAL DRIVERS AND DAIRY EMPLOYEES
UNION LOCAL NO. 563, AFFILIATED WITH
INTERNATIONAL BROTHERHOOD OF
TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN
AND HELPERS OF AMERICA

Case LXIII
No. 18334 ME-1107
Decision No. 13130

Involving Certain Employees of

APPLETON WATER DEPARTMENT

Appearances:

Mr. Frank Krasniewski, Business Representative, appearing on
behalf of the Petitioner.

Ms. LeNore Hamrick, Representative, appearing on behalf of the
Intervenor.

Mr. David Bill, Personnel Manager, appearing on behalf of the
Municipal Employer.

DIRECTION OF ELECTION

General Drivers and Dairy Employees Union Local No. 563, affiliated with International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, hereinafter referred to as the Petitioner, having filed a petition with the Wisconsin Employment Relations Commission to conduct an election pursuant to Section 111.70 (4)(d) of the Municipal Employment Relations Act among "all office clerical employees of the Appleton Water Department, excluding all other employees inclusive of those in existing certified bargaining units and also including professional employees and supervisors," and hearing having been held on October 17, 1974 at Appleton, Wisconsin before Douglas V. Knudson, Hearing Officer, during which Council 40, Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, hereinafter referred to as the Intervenor, was permitted to intervene; and the Commission having considered the petition, the evidence and arguments of the parties; and being satisfied that the Appleton Water Department is a separate and distinct Municipal Employer from the City of Appleton, and further, being satisfied that a question of representation presently exists among all office clerical employees in the employ of the Appleton Water Department, excluding confidential and professional employees, supervisors and all other employees;

NOW, THEREFORE, it is

DIRECTED

that an election by secret ballot be conducted under the direction of the Wisconsin Employment Relations Commission within thirty (30) days

such employees desire to be represented by General Drivers and Dairy Employees Union Local No. 563, affiliated with International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America; or by Council 40, Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO; or by neither of said organizations, for the purpose of collective bargaining with the Appleton Water Department on questions of wages, hours and conditions of employment.

Given under our hands and seal at the
City of Madison, Wisconsin this 31st
day of October, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Morris Slavney
Morris Slavney, Chairman

Howard S. Bellman

Howard S. Bellman, Commissioner

APPLETON WATER DEPARTMENT, Case LXIII, Decision No. 13130

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

Inasmuch as neither the Municipal Employer nor the Petitioner during the course of the hearing, opposed the request of Council 40, WCCME, AFSCME, to intervene, said request was allowed.

The Municipal Employer, the Petitioner and the Intervenor agree, and the evidence established, that the Appleton Water Department is a separate entity from the City of Appleton, and for said reason its office clerical employees should not be included in a unit consisting of City Hall office clerical employees employed by the City of Appleton.

During the course of the hearing, the parties stipulated to the exclusion of the positions of Office Manager and Assistant Office Manager as supervisory, and further, that Ira Brucks will not be eligible to vote if he is promoted to the now vacant position of Assistant Office Manager prior to the conduct of the election directed herein.

The Municipal Employer contends that Kathleen Sager, Secretary to the Office Manager, should be excluded from the unit as a confidential secretary. Sager types the minutes of bargaining sessions, as well as bargaining proposals and notes for the Commission members of the Water Department who participate in negotiations with two separate existing collective bargaining units in the Water Department. Sager is involved in conducting wage surveys and in preparing data concerning the cost of fringe benefit changes for use in negotiations with the two existing bargaining units. Sager also maintains all the personnel files of the Municipal Employer's employees.

In view of her contact with confidential labor materials of the Municipal Employer, relating to a unit represented by the Petitioner and a unit represented by the Intervenor, the Commission concludes that Kathleen Sager, as Secretary to the Office Manager, holds a confidential position, and is therefore, excluded from the unit and not eligible to vote.

Dated at Madison, Wisconsin this 31st day of October, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
Morris Slavney, Chairman

Howard S. Bellman
Howard S. Bellman, Commissioner