

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Case XXII
No. 18855 ME-1161
Decision No. 13403-A

Brigden, Petajan, Lindner & Honzik, Attorneys at Law, by Mr. Eugene Hayman, appearing on behalf of the Municipal Employer.

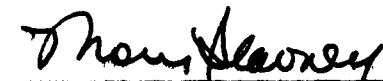
No. 13403-A

consisting of all Kenosha County Highway employes, except the yearly
salaried supervisory employes.

Given under our hands and seal at the
City of Madison, Wisconsin this 11th
day of April, 1975.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

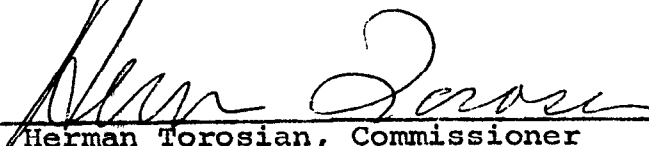
By



Morris Slavney, Chairman



Howard S. Bellman, Commissioner



Herman Torosian, Commissioner

MEMORANDUM ACCOMPANYING ORDER
CLARIFYING BARGAINING UNIT

The Municipal Employer operates a West End Stockroom in Silver Lake and an East End Stockroom in Kenosha. A stockman is assigned to each location. The Stockroom Supervisor supervises both stockrooms. While the two stockmen do some routine purchasing, purchases of major items are handled by the Stockroom Supervisor. All purchase orders are processed through the Highway Commissioner's office. The Stockroom Supervisor does not regularly perform the same duties as the other stockroom employees, although he may assist or fill in for them if necessary. The majority of his time will be spent in directing the purchasing procedure to control stock levels and inventories, and, in cooperation with the Supervisors of the Municipal Employer's two equipment repair shops, in determining whether equipment is to be repaired or replaced, and if repaired, whether said repairs will be performed in the Municipal Employer's repair shops or by an outside firm.

It was the testimony of the Highway Commissioner that, although the present Stockroom Supervisor has held said position for only two weeks, he has been assigned the authority to recommend discipline, to interview and recommend job applicants, and to handle first step grievances, regarding employees in the stockroom, which are the same levels of authority possessed by the Municipal Employer's other non-bargaining unit supervisors. The Stockroom Supervisor is paid an annual salary which is approximately thirty cents (30¢) per hour higher than the maximum hourly rate received by the other stockroom employees.

The previous incumbent in the position in issue was excluded from the unit as a Supervisor. However, the Union now urges that he performed the same or similar duties as stockroom employees and, therefore, was actually a "leadman" who should have been included in the unit; and that, likewise, the position of the present incumbent should be so included.

The Municipal Employer contends that, whatever may have been the case in the past, the position as presently constituted is supervisory. The Union replies that the short duration of the new incumbents tenure renders the issue herein speculative and insufficient as a basis for exclusion.

The Commission finds that on the basis of the foregoing, there is no ground for modifying the parties' historical unit description and that therefore the Stockroom Supervisor is still a supervisory position within the meaning of the Municipal Employment Relations Act, and is, therefore, excluded from the existing collective bargaining unit.

Dated at Madison, Wisconsin this 11th day of April, 1975.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
Morris Slavney, Chairman

Howard S. Bellman
Howard S. Bellman, Commissioner

Herman Torosian
Herman Torosian, Commissioner

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of :

LOCAL 70, KENOSHA COUNTY HIGHWAY :
EMPLOYEES, WCCME, AFSCME, AFL-CIO :

For Clarification of Bargaining :
Unit for Certain Employees of :

KENOSHA COUNTY (HIGHWAY DEPARTMENT) :

Case XXII
No. 18855 ME-1161
Decision No. 13403-A

Appearances:

Mr. F. Michael Benti, District Representative, appearing on behalf
of the Union.

Brigden, Petajan, Lindner & Honzik, Attorneys at Law, by Mr. Eugene
Hayman, appearing on behalf of the Municipal Employer.

ORDER CLARIFYING BARGAINING UNIT

Local 70, Kenosha County Highway Employees, WCCME, AFSCME, AFL-CIO, having filed a petition with the Wisconsin Employment Relations Commission wherein it requested the Commission to issue an Order clarifying an existing collective bargaining unit; namely, to determine whether the position of Stockroom Supervisor 1/ is included in the unit consisting of all Kenosha County Highway employees, except the yearly salaried supervisory employees; and a hearing having been held in the matter at Kenosha, Wisconsin, on March 14, 1975, Douglas V. Knudson, Hearing Officer, being present; and the Commission having considered the evidence and arguments, and being satisfied that the Stockroom Supervisor is a supervisor within the meaning of Sec. 111.70(1)(0)1 of MERA.

NOW, THEREFORE, the Wisconsin Employment Relations Commission makes and issues the following

ORDER

That the Stockroom Supervisor in the employ of Kenosha County (Highway Department) is not included in the collective bargaining unit

1/ The original petition specified the position as East End Stockman. However, at the hearing the parties stipulated that the current title of the position in dispute is Stockroom Supervisor.

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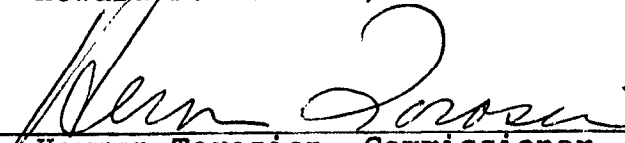
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