

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 366

Involving Certain Employees of

MILWAUKEE SEWERAGE COMMISSION

Case XXXVI
No. 17801 ME-1047
Decision No. 13597

Appearances:

Mr. John S. Williamson, Jr., Goldberg, Previant & Uelman, Attorneys
at Law, for the Petitioner.

Mr. Frank Soukup, Labor Economist, for the Municipal Employer.

Mr. Howard N. Myers, Shneidman & Myers, Attorneys at Law, for the
Intervenor.

ORDER CLARIFYING COLLECTIVE BARGAINING UNIT

Milwaukee District Council 48, AFSCME, AFL-CIO, and its affiliated Local 366, herein referred to as AFSCME, having filed a petition with the Wisconsin Employment Relations Commission on March 28, 1974, wherein it requested that the Commission clarify certain existing bargaining units to determine whether certain positions are appropriately included in one or the other units, and hearing in the matter having been conducted commencing June 24, 1974 and concluded August 26, 1974 before Stanley H. Michelstetter II, Hearing Officer, during the course of which International Union of Operating Engineers, Local 317, AFL-CIO, herein referred to as Operating Engineers, having been permitted to intervene on its claim that the contested positions were appropriately included in the collective bargaining unit which it presently represents, and the Commission, having considered the evidence and arguments of the parties, being fully advised in the premises, makes and issues the following

ORDER

That the collective bargaining unit, previously certified by the Wisconsin Employment Relations Commission on April 2, 1965, consisting of all regular full-time and regular part-time employees of the Sewerage Commission of the City of Milwaukee employed as Power Plant employees, excluding all other employees, supervisors, confidential employees, and executives presently represented by International Union of Operating Engineers, Local 317, AFL-CIO, includes the classification of Control Technician and Control Technician Trainee.

Given under our hands and seal at the
City of Madison, Wisconsin this 1st
day of May, 1975.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Morris Slavney, Chairman

Arman Torosian, Commissioner

No. 13597

MEMORANDUM ACCOMPANYING ORDER CLARIFYING
COLLECTIVE BARGAINING UNIT

In Sewerage Commission of the City of Milwaukee (6964) 4/65 the Commission certified Petitioner as the representative of:

"All regular full-time and regular part-time employees of the Sewerage Commission of the City of Milwaukee employed in the following departments, Administration and Main Office, Drafting and Design, Engineering Construction and Maintenance; Plant Laboratory and Research, Plant Office and Plant Supervision; Plant Operation and Maintenance and Shipping; but excluding employees employed in the Machine Shop, Power Plant and Building Trades, and further excluding craft, supervisors, confidential employees and executives, . . ."

In Sewerage Commission of the City of Milwaukee (6965) 4/65 the Commission certified Operating Engineers predecessor Local 311 as the representative of:

"All regular full-time and regular part-time employees of the Sewerage Commission of the City of Milwaukee employees as Power Plant employees, excluding all other employees, supervisors, confidential employees and executives, . . ."

Thereafter the parties voluntarily extended those certifications to similar departments in the Municipal Employer's South Shore facility.

In 1974 the Municipal Employer placed into service a new Power Plant substantially taking the old one out of service. The new Power Plant is a remotely controlled gas-turbine generating plant which is almost entirely electrified. On the other hand, the old Power Plant, built in 1926, is a manually controlled steam-turbine generating plant with much of its equipment steam operated. Because of the differences in the method of operation and the method of control in the two plants, the meters, gauges and control equipment are fundamentally different. Those in the new Power Plant are electronic, telemetric devices susceptible to computerized operations while those in the old Power Plant are mechanical or hydraulic.

POSITIONS OF THE PARTIES:

The Petitioner contends that the new position of Control Technician and Control Technician Trainee established by the Municipal Employer to repair the meters in the new Power Plant, and its position of Engineering Aide 4-Special, perform a similar function. It contends that both the previous certifications and the Commission's authority under present law requires that the new positions be included in the unit represented by it on the basis of its duties or its community of interest with the other position.

Operating Engineer contends that the instant units were created on the basis of departments and that therefore we should include the positions in its unit on the basis of work location. In the alternative, it contends that the positions should be included in its unit because the factors of location, supervision, experience required and bargaining history indicate that the positions share a community of interest with employees in the unit it represents. The Municipal Employer was present throughout the hearing and took no position.

DISCUSSION:

The Control Technician, now filled by the Control Technician Trainee, will spend 100% of his time in the new Power Plant, 1/ repairing and maintaining instruments under the supervision of the Assistant Supervisor of Plant Maintenance, Jones Island. 2/

AFSCME's most closely related positions are Engineering Aide 4 - Special and Instrument Technician, South Shore. The Engineering Aide 4 - Special in the past spent approximately 15% to 20% of his time repairing and maintaining associated instruments in the old Power Plant, including; gas meters, incline draft gauges on the boilers, CO₂ meters, Midwest Filters in the fresh air intakes, flow meters on the blowers, mercury manometers on the systems generators and low level sewerage pumps, cables, electric drive motors and meters on the return sludge pumps. None of the foregoing was performed by employees in the unit represented by Operating Engineers on a regular basis. The Engineering Aide 4 - Special also piped tubing from the receiver to the incline draft gauge where he hooked it up and maintained it, but this work was also done by a Maintenance Mechanic in the unit represented by Operating Engineers. He also manually determined if thermo-couples were operating properly. If not, he would repair them, if possible, and, if they could not be repaired, the Maintenance Mechanic would remove them and send them out for repair. The Engineering Aide 4 - Special has always been and continues to be supervised by the Supervisor of Maintenance, Jones Island. Further, the occupant of the latter position is not qualified to perform the work of the new positions nor is there any interchange between the Maintenance Mechanic and the two positions.

Similarly, Instrument Technician, South Shore included in the unit represented by AFSCME, spends approximately 20% of his time repairing the meters and gauges at the South Shore Power Plant. The remainder of his time is spent performing maintenance functions at other parts of the South Shore facility. The present occupant of that position asserted that he was qualified to perform the functions of the new positions by virtue of his prior training and experience and the fact that 10% of the South Shore Power Plant's equipment is electronic. However, he later testified that he had never looked at the equipment in the new plant and that he had no familiarity with the job requirements, duties or responsibilities of the new positions. At pages 61 through 62 of the second transcript of proceedings he testified:

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- 1/ The position is presently occupied by the Control Technician Trainee who spends 25% of his time attending manufacturer's training classes and courses offered elsewhere. He also spends some of his own time at various vocational classes. At the end of his two-year training program, he will be reclassified and spend 100% of his time at the new Power Plant.
- 2/ The Municipal Employer created this new level of supervisor to meet its needs in the new Power Plant. The Assistant Supervisor of Plant Maintenance spends 75% of his time supervising Intervenor's employees in the new Power Plant. The remainder of his time is spent substituting for, or assisting his supervisor, the Supervisor of Maintenance, Jones Island.

Q If your system were reversed and were 90 per cent electronic and ten per cent pneumatic, would you feel that you would have to go through any type of training program in order to perform so the operation would run efficiently?

A When I worked with an instrumentation manufacturer they handled an entire line of instrumentation. Their training school is such that you are familiar with their entire line. It is pneumatic so I would have an advantage over say a technical school graduate.

Q I see. Is there a big difference in your mind between electronic and pneumatic systems as far as the every day normal functions?

A Yes, there is."

We conclude that the Instrument Technician, South Shore is not qualified to perform the functions of the new position.

The most closely related job in the unit represented by Operating Engineer is that of Maintenance Mechanic, Power Plant. The present occupant of that position is apparently disabled and no longer at work. However, in the past he spent 100% of his time in the old Power Plant performing both minor and major maintenance on steam generators, boilers and rotating equipment including the dismantling and overhauling of the circulating pumps, condensers, control schemes, lines and piping leading to various controls. He repaired the shell cross boiler control, except that if a wire were broken he would call an electrician. The unit represented by Operating Engineers now includes new positions in the new Power Plant which perform maintenance on the gas-turbines and associated equipment.

We conclude that although the Control Technician and Control Technician Trainee perform maintenance of instruments, the difference in training and experience required to maintain said instruments in the new Power Plant and consequent absence of interchange between said positions and the most closely related positions in the unit represented by AFSCME, the elements of location in the new Power Plant and commality of supervision warrant that the Control Technician and the Control Technician Trainee share a closer community of interest with employees in the unit represented by Operating Engineers, and therefore we have determined that said positions are in the latter unit.

Dated at Madison, Wisconsin, this 1st day of May, 1975.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Thomas Slavney
Morris Slavney, Chairman

Gernan Torosian
Gernan Torosian, Commissioner