

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 :
 :
 For Clarification of the Bargaining :
 Unit of Certain Employes of :
 :
 CITY OF APPLETON :
 ----- :

Case LXVI
 No. 18959 ME-1173
 Decision No. 13611-B

ORDER DENYING PETITION FOR REHEARING

The Wisconsin Employment Relations Commission heretofore and on July 24, 1975, having, in the above-entitled matter, issued an Order Clarifying Bargaining Unit, wherein it specifically set forth that the Federally Funded Laborer position was included in a collective bargaining unit consisting of all employes of the Street, Sanitation and Maintenance Division of the Department of Public Works, including office clerical employes of the Department of Public Works who are employed in the Municipal Service Building, exclusive of Supervisors, Professional and Managerial, Foremen, Superintendents, Confidential employes and other clerical personnel; and on August 13, 1975, the City of Appleton having filed a "Petition for Rehearing," wherein the City requested the Commission to set aside the above Order, contending that the Commission committed; (1) an error of law, and (2) that the Order was unsupported by substantial evidence in view of the entire record; and on August 22, 1975, General Drivers and Dairy Employees Union Local No. 563, affiliated with International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America having filed an opposition to said petition; and the Commission having reviewed the Petition for Rehearing and the opposition thereto, and being satisfied that the Petition for Rehearing be denied;

NOW, THEREFORE, it is

ORDERED

That the Petition for Rehearing be, and the same hereby is, denied.

Given under our hands and seal at the City of Madison, Wisconsin, this 25th day of August, 1975.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By *Morris Slavney*
 Morris Slavney, Chairman

Howard S. Bellman
 Howard S. Bellman, Commissioner

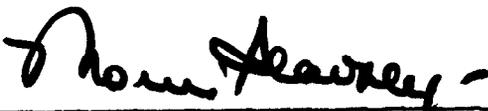
Herman Torosian
 Herman Torosian, Commissioner

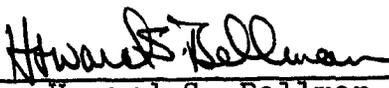
MEMORANDUM ACCOMPANYING
ORDER DENYING PETITION FOR REHEARING

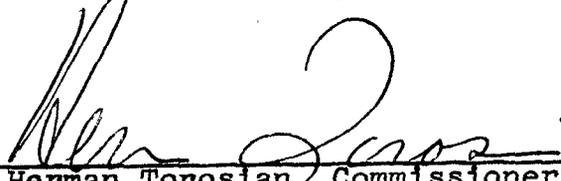
In its Petition for Rehearing the City primarily contends that the conclusion of the Commission that the Federally Funded Laborer position is included in the unit was in error since such conclusion was not supported by substantial evidence. The facts as alleged in the Petition for Rehearing, with respect to the position involved, were adduced during the original hearing and were considered by the Commission in the issuance of its Order. The Petition for Rehearing appears to the Commission to be based primarily on the fact that the City is not satisfied with the Commission's determination. Therefore, we see no reason to Order a rehearing in the matter and/or to set aside the Order issued on July 24, 1975.

Dated at Madison, Wisconsin, this 25th day of August, 1975.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 
Morris Slavney, Chairman


Howard S. Bellman, Commissioner


Herman Torosian, Commissioner