

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of
ASSOCIATION OF SURVEY AND CIVIL
ENGINEERING TECHNICIANS OF THE
CITY OF WISCONSIN RAPIDS
Involving Certain Employes of
CITY OF WISCONSIN RAPIDS

Case XVI
No. 18991 ME-1174
Decision No. 13753

Appearances:

- Mr. Malcolm H. Einerson, Field Representative, WCCME, for the Intervenor.
- Mr. Philip F. Helmer, Representative for the Petitioner.
- Mr. Kenneth Hill, City Attorney, for the Municipal Employer.

DIRECTION OF ELECTION

Petition having been filed with the Wisconsin Employment Relations Commission by Philip F. Helmer and Gehr L. Jorgensen, employes of the City of Wisconsin Rapids, requesting that an election be conducted among certain employes of the City of Wisconsin Rapids; and Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO - Wisconsin Rapids City Employees, Local No. 1075 having been permitted to intervene in the proceeding on the basis that said labor organization had a proper interest in the matter; and hearing on said petition having been conducted at Wisconsin Rapids, Wisconsin, on May 28, 1975, Dennis P. McGilligan, Hearing Officer, being present 1/, and prior to the close of the hearing, Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO - Wisconsin Rapids City Employees, Local No. 1075, having advised the Commission that, should the Commission direct an election in the instant proceeding, it desired to be placed on the ballot; and the Commission having considered the evidence and arguments, and being satisfied that a question has arisen concerning representation for said employes of the City of Wisconsin Rapids;

NOW, THEREFORE, it is

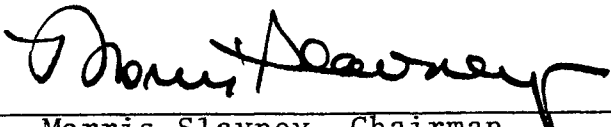
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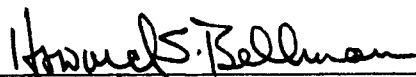
That an election by secret ballot be conducted under the direction of the Wisconsin Employment Relations Commission within sixty (60) days from the date of this Direction among all non-clerical employes employed in the Plan-Design Division, Engineering Department, City of Wisconsin Rapids, Wisconsin, excluding all professional engineers, supervisory,

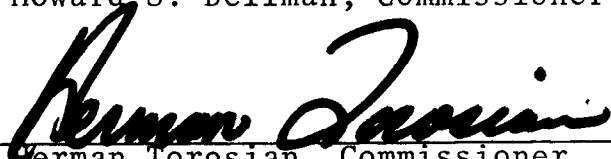
confidential, craft and all other employes, who were employed on May 28, 1975, 2/ except such employes as may prior to the election quit their employment or be discharged for cause, for the purpose of determining whether a majority of such employes voting desire to be represented by Association of Survey and Civil Engineering Technicians of the City of Wisconsin Rapids 3/; by Wisconsin Rapids City Employees, Local No. 1075, affiliated with the Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO; or by no organization.

Given under our hands and seal at the City of Madison, Wisconsin, this ~~24th~~ day of June, 1975.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 
Morris Slavney, Chairman


Howard S. Bellman, Commissioner


Arman Torosian, Commissioner

2/ The parties stipulated to the employes eligible to participate in the election.

3/ At the hearing, the petition was amended so as to identify the Association as the petitioner.

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

The instant petition, filed on March 31, 1975, by Philip F. Helmer and Gehr L. Jorgensen, employes of the City of Wisconsin Rapids, requested that an election be conducted to determine whether non-clerical employes employed in the Plan-Design Division of the Department of Engineering desired to be represented by the Association of Survey and Civil Engineering Technicians of the City of Wisconsin Rapids, hereinafter referred to as the Association. During the course of the hearing, the Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO - Wisconsin Rapids City Employees, Local No. 1075, hereinafter AFSCME, was permitted to intervene on the basis of its claim that it represents a unit to which the positions in issue herein should be accreted.

During the course of the hearing, AFSCME objected to the creation of a separate collective bargaining unit of the employes sought by the Association, on the basis that it would only fragment units where there are other unions presently representing employes employed by the Municipal Employer. AFSCME claimed that said employes should be accreted to the following current AFSCME unit without a vote:

"All regular full-time and regular part-time employees employed in the City Hall, but excluding elected and appointed personnel, supervisory employees, confidential clerical employees, Deputy City Clerk and non-clerical employees in the Engineering Department, for the purpose of conferences and negotiations on all matters pertaining to wages, hours and conditions of employment."

The Commission certified the aforesaid unit, and the employes involved herein were excluded by stipulation of the parties. 4/ In October, 1974, a second election was conducted among the employes in the same unit, wherein they again selected AFSCME as their representative. 5/ The record further discloses that the nature of work performed by the non-clerical employes, not including the professionals, calls for the exercise of independent judgement, direction of others and combined office and field work which differs from the primarily clerical and routine duties performed by the employes of the unit presently represented by AFSCME.

Because of, among other things, the claim of representation by the Association, the Commission will not order an accretion of the employes herein to the existing AFSCME unit. Instead, the Commission finds that all non-clerical employes, excluding professionals, in the Plan-Design Division of the Department of Engineering in the City of Wisconsin Rapids may constitute a separate appropriate unit. In order to satisfy the statutory direction to avoid the fragmentation of units, the Commission has today directed a representation election among the eligible employes employed in the Plan-Design Division of the Engineering Department to determine their choice as to their collective bargaining representative. The ballot involved will afford the employes an opportunity to select either the Association, or AFSCME, or no organization, as their bargaining representative, with the specific understanding that should a majority of the employes voting select AFSCME as

4/ City of Wisconsin Rapids (9817), 7/70.

5/ City of Wisconsin Rapids (12966), 8/74.

their bargaining representative, such result will be deemed an intention that the employes desire to be included in the "overall" unit. Should the employes select the Association as the bargaining representative, or should they reject representation, said employes shall remain a separate unit.

Dated at Madison, Wisconsin, this 24th day of June, 1975.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By *Morris Slavney*
Morris Slavney, Chairman

Howard S. Bellman
Howard S. Bellman, Commissioner

Herman Torosian
Herman Torosian, Commissioner