

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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In the Matter of the Petition of

TEAMSTERS UNION LOCAL NO. 695

Involving Certain Employees of

CITY OF WISCONSIN DELLS (WATER AND
LIGHT DEPARTMENT)

Case X
No. 19444 ME-1226
Decision No. 14041

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Appearances:

Mr. Merle Baker, Business Representative, Teamsters Union,
Local No. 695, appearing on behalf of the Petitioner.

Mr. Ray Feldman, City Attorney, appearing on behalf of the
Municipal Employer.

Mr. Darold O. Lowe, District Representative, Local 1401, AFSCME,
AFL-CIO, appearing on behalf of the Intervenor.

ORDER OF DISMISSAL

A petition having been filed with the Wisconsin Employment Relations Commission on August 6, 1975, by Teamsters Union Local No. 695 requesting that an election to determine a bargaining representative be conducted, pursuant to the Municipal Employment Relations Act, among certain employees by the City of Wisconsin Dells (Water and Light Department); and a hearing on such petition having been held at Wisconsin Dells, Wisconsin, on October 2, 1975, before Peter Davis, Hearing Officer, and during the course of said hearing, Local 1401, AFSCME, AFL-CIO having been permitted to intervene on the basis that it is the current collective bargaining representative of said employees; and the Commission having reviewed the evidence and the positions of the parties, and being satisfied that the petition seeks an election in a bargaining unit which is not deemed appropriate under the Municipal Employment Relations Act;

NOW, THEREFORE, it is

ORDERED

That the petition filed in the instant matter be, and the same hereby is, dismissed.

Given under our hands and seal at the
City of Madison, Wisconsin this 16th
day of October, 1975.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Morris Slavney
Morris Slavney, Chairman

Howard S. Bellman
Howard S. Bellman, Commissioner

No. 14041

MEMORANDUM ACCOMPANYING ORDER OF DISMISSAL

This proceeding was initiated by a petition timely filed on August 6, 1975, by Teamsters Union Local No. 695, referred to herein as the Petitioner, requesting that the Commission conduct an election among all regular full-time employees of the Water and Light Department, City of Wisconsin Dells, referred to herein as the Municipal Employer, excluding supervisors, office clerical and all other employees, to determine whether said employees desire to be represented by the Petitioner for the purposes of collective bargaining. During the course of the hearing Local 1401, AFSCME, AFL-CIO, referred to herein as the Intervenor, was permitted to intervene.

The Intervenor and the Municipal Employer are parties to an existing collective bargaining agreement covering employees in a unit described as "all employees of the City, except the Director of Public Works, elected officers and employees of the Police and Fire Departments." Appendix A of said collective bargaining agreement sets forth the classifications of the employees in the unit as follows:

Street Department

Leadman
Machine Operator II
Maintenance Men; Machine Opr. I
Common Labor
Seasonal Labor, Labor, Unskilled
Semi-skilled and Skilled

Sewer Utility Employees

Construction Foreman
Machine Operator III
Pipe Layer
Assistant Pipe Layer
Sewage Plant Operator (also
Dog Pound Master)

Other City Employees

Custodian
Clerical Employees

Water and Light Department

Leadman
Truck Driver-Groundsman
Utility Men
Meter Reader-Repairman
Lineman
Apprentice Linemen

The Petitioner contends that the Intervenor has disclaimed interest in the Water and Light Department employees. This claim is premised upon the past rejection by said employees of the Municipal Employer's proposal for a succeeding agreement, and of their request that the Intervenor pursue a wage adjustment. While said rejection may indicate a lack of sympathy for the desires of the Water and Light Department employees, they do not constitute evidence that the Intervenor has failed to represent the interests of said employees or has disclaimed interest in representing them. As the record indicates, there has been no disclaimer and the Intervenor is continuing to represent said employees by processing their grievances and enforcing the terms of the existing collective bargaining agreement.

During the hearing, the Intervenor disputed the appropriateness of the unit being sought by the Petitioner citing the statutory mandate against unnecessary fragmentation of bargaining units. The Petitioner countered by urging that the interests and conditions of employment of the Water and Light Department employees are sufficiently separated from those of other employees to warrant the establishment of a separate unit. The record does indicate that the Water and Light Department is contained within a separate building with its own equipment and a separate budget. By and large, the employees of the Department perform functions which are distinct from those of other employees in the bargaining unit. However, in terms of a collective bargaining relationship with the Municipal Employer, these factors do not significantly distinguish the interests of Water and Light Department employees from those of other individuals in the existing bargaining unit. Furthermore, the record indicates that, despite their physical separation from other departments, Water and Light Department employees share common supervision, that transfers between departments have occurred in the past, and that the City Council functions as said employees direct employer with no intermediate board or Commission having input into their conditions of employment.


It is to be noted that all of the classifications in the existing unit, with the exception of clerical employees, are "blue collar" employees.

The Municipal Employment Relations Act provides that the Commission "shall, whenever possible avoid fragmentation by maintaining as few units as practicable in keeping with the size of the total municipal work force." As a result of said provision, automatic fragmentation of units based on separate departments, divisions or plants does not occur. 1/ Under the circumstances involved herein, we conclude that there is an insufficient basis for establishing the employees in the Water and Light Department as a separate unit or for granting them an opportunity to determine for themselves whether they desire to constitute a separate bargaining unit, and, therefore, we are dismissing the petition filed herein.

Given under our hands and seal at the
City of Madison, Wisconsin this 16th
day of October, 1975.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman



Howard S. Bellman, Commissioner

1/ LaCrosse Joint School District No. 5 (10980) 5/72