

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

TEAMSTERS "GENERAL" LOCAL UNION NO.
200 a/w INTERNATIONAL BROTHERHOOD OF
TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN
AND HELPERS OF AMERICA

Case XXIX
No. 19222 ME-1203
Decision No. 14157

Involving Certain Employees of

COUNTY OF WAUKESHA

Appearances:

Goldberg, Previant and Uelmen, Attorneys at Law, by Mr. Alan M. Levy,
appearing on behalf of the Petitioner.
Mr. Allan C. Walsch, Personnel Administrator, Department of Personnel,
appearing on behalf of the Municipal Employer.
Mr. Robert Lyons, Business Representative, Wisconsin Council 40,
AFSCME, AFL-CIO, appearing on behalf of the Intervenor.

DIRECTION OF ELECTION

A petition having been filed with the Wisconsin Employment Relations Commission on June 5, 1975, by Teamsters "General" Local Union No. 200 requesting that an election to determine a bargaining representative be conducted, pursuant to the Municipal Employment Relations Act, among certain employes of the County of Waukesha, and a hearing regarding said petition having been held in Waukesha, Wisconsin, on July 21, 1975, before Peter Davis, Hearing Officer, and during the course of said hearing, Wisconsin Council 40, Local Union No. 1365, AFSCME, AFL-CIO having been permitted to intervene on the basis that it is the current collective bargaining representative of the employes involved and the Commission, having reviewed the evidence and briefs of the parties, being fully advised in the premises, and being satisfied that a question has arisen concerning representation for certain employes of the County of Waukesha;

NOW, THEREFORE, it is

DIRECTED

That elections by secret ballot be conducted under the direction of the Wisconsin Employment Relations Commission within thirty (30) days of the date of the Directive within the bargaining unit consisting of:

1. All regular full-time and regular part-time employes of the Waukesha County Highway Department who were employed by the Municipal Employer on December 1, 1975, excluding confidential, professional, and craft employes, supervisors, and office and clerical employes except such employes as may prior to the election quit their employment or be discharged for cause;
2. All regular full-time and regular part-time employes of the Waukesha County Park and Planning Department in the classifications of Park Maintenance Man and Greenskeeper who were employed by the Municipal Employer on December 1, 1975, excluding confidential, professional, and craft employes, supervisors, and office and clerical employes except such

employees 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 in said units desire to be represented for the purpose of collective bargaining by Teamsters "General" Local Union No. 200 a/w International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America or by Wisconsin Council of County and Municipal Employees, Wisconsin Council No. 40, Local Union No. 1365, AFSCME, AFL-CIO, or by neither of said organizations.

Given under our hands and seal at the City of Madison, Wisconsin this 1st day of December, 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 DIRECTION OF ELECTION

This proceeding was initiated by a petition timely filed on June 5, 1975, by Teamsters "General" Local Union No. 200 referred to herein as the Petitioner, requesting that the Commission conduct an election among employes in the following alleged appropriate unit:

"All Waukesha County Highway Department employees, excluding supervisors, office employees, and craft employees; and all Waukesha County Park and Planning Department employees in the classifications of Park Maintenance men and greens keepers, but excluding supervisors, office employees and professional employees"

to determine whether said employes desire to be represented by the Petitioner for the purposes of collective bargaining with the County of Waukesha, referred to herein as the Municipal Employer. During the course of the hearing, Local 1365, AFSCME, AFL-CIO, referred to herein as the Intervenor, was permitted to intervene. A transcript was made of the hearing and briefs were filed by the parties.

The Intervenor and the Municipal Employer are parties to an existing master collective bargaining agreement covering nine separate units. Two of said units (the Highway Department and the Park and Planning Department) are represented by the Intervenor with the remaining seven units being represented by two other AFSCME locals. The Petitioner is seeking an election in a unit which would combine the two departments currently represented by the Intervenor. The Intervenor contests the unit sought on the basis that it arbitrarily combines two units which lack sufficient community of interest and that it would disrupt the existent bargaining relationship between the Intervenor and the Municipal Employer. The Municipal Employer took no position on the petition.

The Petitioner has urged that the employes which it seeks to represent within the Highway Department and the Park and Planning Department have a sufficient community of interest to justify their consolidation for the purposes of collective bargaining. The Petitioner supports its position by citing certain similarities in the wages, hours, working conditions, and skills of said employes.

Initially, the Commission notes that the majority of the cited similarities are shared by employes in other units covered by the terms of the master contract. More importantly the record indicates that the Highway Department and the Park and Planning Department each have totally separate managerial and supervisory personnel, that there have been few if any transfers of employes or supervisors between said Departments, that seniority for the purposes of layoff and promotion is essentially departmental, and that there are certain portions of the existent bargaining agreement, including a job posting procedure, which apply to only one of the Departments in question. Given these factors, the Commission concludes that employes in the Highway Department and the Park and Planning Department lack sufficient community of interest to justify their consolidation for the purposes of collective bargaining, and thus finds the unit petitioned for to be inappropriate. Departmental similarities in terms of equipment usage, overtime budgets, and utilization of sub-stations are insufficient to overcome the weight of the aforementioned evidence. However, the Commission will direct separate elections in the two Departments in question for the purposes of determining whether the employes in said Departments wish to be represented by the Petitioner.

It should be noted that the Commission's decision in no way conflict with the statutory mandate against unnecessary fragmentation of bargainin units. Although it is possible that the direction of election could lead to a disruption of the existing bargaining relationship between the three AFSCME locals and the Municipal Employer, said relationship developed out of mutual convenience and not as a result of any significant community of interest among the employes in the nine units covered by the master contract. The direction of election in this case merely allows employes in existing separate units to determine whether they wish to continue to be represented by the Intervenor.

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

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By *Morris Slavney*
Morris Slavney, Chairman

Howard S. Bellman
Howard S. Bellman, Commissioner

Herman Torosian
Herman Torosian, Commissioner