

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

CITY OF KENOSHA

Involving Certain Employees of

CITY OF KENOSHA

Case XXX
No. 19696 ME-1248
Decision No. 14191

Appearances:

Mr. James J. Warzon, Supervisor of Personnel, City of Kenosha,
for the Petitioner.

Mr. Richard Abelson, Business Representative, Local 71, AFSCME,
for the Union.

ORDER CLARIFYING BARGAINING UNIT

City of Kenosha having petitioned the Wisconsin Employment Relations Commission to issue an order clarifying an existing collective bargaining unit consisting of certain employees of the City of Kenosha; and a hearing on such petition having been conducted at Kenosha, Wisconsin, on November 24, 1975, Peter G. Davis, Hearing Officer, having been present; and the Commission having considered the evidence and arguments of counsel, and being fully advised in the premises, makes and files the following

ORDER

That the position of Engineering Aide VI shall be, and the same hereby is, excluded from the collective bargaining unit consisting of employees of the City of Kenosha employed in the Department of Finance, Purchasing Department, City Planning Division, Police Department, Department of Inspection, Administration and Engineering Divisions of the Department of Public Works, Department of Health, the Office of the Division of the Water Department, and the Public Museum (excluding part-time Guard and Director of Museum) excluding supervisory and confidential employees, craft and professional employees, seasonal and temporary employees.

Given under our hands and seal at the
City of Madison, Wisconsin this 16th
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 ORDER CLARIFYING BARGAINING UNIT

The Engineering Aide VI, a position currently held by Harry Nies, functions almost exclusively as a land surveyor. His job responsibilities include physically surveying land, drafting legal descriptions of various land parcels and conducting topographical surveys. Said responsibilities are performed under the very limited supervision of the City Engineer.

An individual occupying the position must be registered as a Land Surveyor by the State of Wisconsin which requires the achievement of a minimum of two years of formal higher education or six years of working experience in the field as well as the passage of written and oral examinations. The incumbent in the position has extensive field experience and, while lacking formal higher education, has attended courses and seminars in his field. The record indicates that individuals functioning as land surveyors typically possess an engineering degree.

The Commission is satisfied that the job responsibilities of the Engineering Aide VI are predominantly intellectual and varied in nature, involve the consistent exercise of discretion, and cannot be placed upon a standardized basis. While aware that the incumbent lacks significant formal education the Commission notes that Section 111.70(1)(L)(1)(d)'s definition of a "professional" focuses on the knowledge required to perform the job responsibilities of the position in question as opposed to the personal qualifications of the incumbent. As the Commission is satisfied that the position requires knowledge of an advanced type customarily acquired through formal higher education, it concludes that the position of Engineering Aide VI is professional in nature and thus should be excluded from the existing collective bargaining unit. This conclusion is consistent with that reached by the Commission when examining a Civil Engineering I position which contained similar job responsibilities. 1/

Dated at Madison, Wisconsin this 16th 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

1/ City of LaCrosse (7833) 12166.