

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of	:	
	:	
WAUSAU CITY EMPLOYEES UNION LOCAL 1287,	:	Case XIII
WCCME, AFSCME, AFL-CIO	:	No. 20315 ME-1307
	:	Decision No. 14807
For Clarification of Bargaining Unit	:	
Involving Certain Employes of	:	
	:	
CITY OF WAUSAU	:	
	:	

Appearances:

Mr. Malcolm H. Einerson, District Representative, Wisconsin River Valley District, WCCME, appearing on behalf of the Petitioner. Mulcahy and Wherry, Attorneys at Law, by Mr. James L. Everson, appearing on behalf of the Municipal Employer.

ORDER CLARIFYING BARGAINING UNIT

Wausau City Employees Union, Local 1287, WCCME, AFSCME, AFL-CIO, having on March 22, 1976, filed a petition with the Wisconsin Employment Relations Commission wherein it requested that the Commission clarify an existing certified collective bargaining unit consisting of certain employes of the City of Wausau; and a hearing regarding said petition having been held in Wausau, Wisconsin on May 4, 1976, Peter G. Davis, Hearing Officer, being present; and the Commission having considered the evidence and arguments of the parties and being fully advised in the premises, makes and issues the following

ORDER

That the position of Storekeeper shall be, and hereby is, excluded from the collective bargaining unit consisting of "all regular full-time and regular part-time employes of the City of Wausau employed in the public works department (including the motor pool), electrical department, engineering department, sign department, water treatment plant, water meter division, water distribution division, master water treatment plant and sewerage maintenance division; but excluding department heads, supervisory personnel, managerial, confidential employes, seasonal, temporary and other part-time employes except as otherwise described in this agreement.

Given under our hands and seal at the City of Madison, Wisconsin this 28th day of July, 1976.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
 Morris Slavney, Chairman

Herman Torosian
 Herman Torosian, Commissioner

Charles D. Hoornstra
 Charles D. Hoornstra, Commissioner

MEMORANDUM ACCOMPANYING
ORDER CLARIFYING BARGAINING UNIT

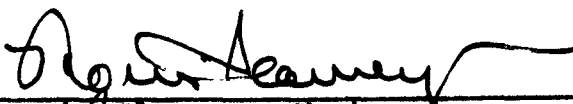
The incumbent in the position at issue holds the title of Storekeeper and is responsible to the head of the City of Wausau's Finance Department for ordering and maintaining an adequate level of parts and supplies for the Municipal Employer's custodial, maintenance and public works operations. The incumbent has held this position since its inception in approximately 1961 and has never been covered by the terms of a collective bargaining agreement. Until July 1975, the Storekeeper was assisted by a Department of Public Works employe who was a member of the bargaining unit represented by the Petitioner. At the present time the incumbent operates the storeroom alone.

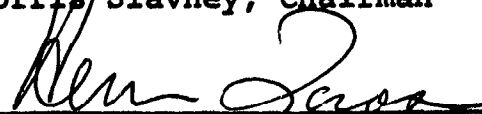
The Union bases its petition for the position's inclusion in the existing bargaining unit upon the termination of what it believed to be the position's supervisory status in July, 1975. The Municipal Employer agrees that the position is not supervisory, but disputes its inclusion in the bargaining unit by asserting that said position is not organizationally included in any of the departments which comprise said unit, and, further that the position is managerial in nature.

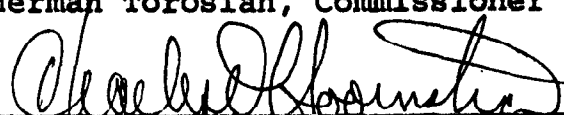
The Commission has determined that managerial status is related to an employe's participation in the formulation, determination and implementation of management policy, as well as said employe's effective authority to commit the Employer's resources. 1/ The record indicates that, functioning under virtually no supervision in a salaried position, the incumbent has almost total discretion when determining which materials are to be stocked; where, when and at what price said materials will be purchased; and what quantity of materials will be maintained. He establishes his own operating procedures and has authority to expend sums of over \$1,000.00 when purchasing material. He also has discretion to supply governmental bodies, other than the Municipal Employer, with stocked items and to reject any merchandise which is substandard. The inventory of the storeroom is valued at approximately \$75,000.00. Based upon the authority to commit the resources of the Municipal Employer, the Commission concludes that the Storekeeper position is managerial in nature and thus is excluded from the collective bargaining unit.

Dated at Madison, Wisconsin this 28th day of July, 1976.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 
Morris Slavney, Chairman


Herman Torosian, Commissioner


Charles D. Hoornstra, Commissioner

1/ City of New London (12170) 9/73.