STATE OF WISCONSIN

g---,r - 44

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

	-
	:
In the matter of the petition of	:
RADIO & TELEVISION BROADCAST	: Case LIII
ENGINEERS, LOCAL NO. 715 - IBEW	: No. 20735 ME-1354
AFL-CIO/CLC	: Decision No. 15075
for an election among certain	•
employes of	:
MIT WALLER ADEA DOADD OF MOCATIONAL	:
MILWAUKEE AREA BOARD OF VOCATIONAL, TECHNICAL AND ADULT EDUCATION, DISTRICT	•
NO. 9, an employer, and	:
MILWAUVEE COACE ENDLOYEEC INTON LOCAL	:
MILWAUKEE STAGE EMPLOYEES UNION, LOCAL 18, INTERNATIONAL ALLIANCE OF	•
THEATRICAL STAGE EMPLOYEES AND MOVING	:
PICTURE MACHINE OPERATORS OF THE	:
UNITED STATES, AFL/CIO/CLC, intervenor.	•
	-
Appearances:	
Lawton & Cates, Attorneys at Law, by Mr. Bruce M. Davey and	
Mr. E. Walter Clare, president of petitioner, on behalf of the petitioner.	
Quarles & Brady, Attorneys at Law, by Mr. David E. Jarvis,	
on behalf of the employer.	

Mr. Gene Kemmer, Business Manager, on behalf of intervenor.

DIRECTION OF ELECTION

On August 16, 1976, the above-named petitioner petitioned the Wisconsin Employment Relations Commission to conduct an election pursuant to sec. 111.70(4)(d), Stats., among certain employes of the above-named employer. A hearing was held in Milwaukee, Wisconsin on September 27, 1976, before Marshall L. Gratz, a member of the commission's staff. The above-named intervenor was permitted to intervene on the basis of its claim to presently represent certain employes within the petitioned for bargaining unit. Petitioner amended its petition to read as follows:

"All broadcast technicians, engineers I, engineers II, television remote production crew, cinematographers and set designers; excluding all employees covered under other bargaining agreements, clerical employees, guards and supervisors."

The employer stipulated to the appropriateness of the unit described in the amended petition. Intervenor asked the commission to give television remote crewmen, cinematographers and set designers an opportunity to vote by secret ballot as to whether they desire to be established as a collective bargaining unit separate from the unit described in the amended petition. The employer opposed that request, and the petitioner took no position on it. After the hearing the parties stipulated that the studio manager II position is supervisory. The parties waived in writing compliance with sec. 227.09(4), Stats. On the basis of the record the commission has determined that a question of representation has arisen among the employes described in the amended petition, that said employes constitute an appropriate unit, and that intervenor's request for a vote by secret ballot should be denied.

No. 15075

NOW THEREFORE, it is

DIRECTED

That an election by secret ballot shall be conducted under the direction of the Wisconsin Employment Relations Commission within sixty (60) days from the date of this direction in the collective bargaining unit consisting of all broadcast technicains, engineers 1, engineers II, television remote crewmen, cinematographers and set designers in the employ of Milwaukee Area Board of Vocational, Technical & Adult Education, but excluding all employes covered under other bargaining agreements, clerical employes, guards and supervisors, who were employed on December 1, 1976, except such employes who may quit their employment or are discharged for cause prior to the election, for the purpose of determining whether such employes desire to be represented by Radio & Television Broadcast Engineers, Local Union No. 715 - IBEW, AFL-CIO/CLC $\underline{1}$ for the purposes of collective bargaining with Milwaukee Area Board of Vocational, Technical & Adult Education.

Civen under our hands and seal at the City of Madison, Wisconsin this 1st day of December, 1976.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morgis Slavney, Chairman aver Herman Torosian, Commissioner

Charles D. Hoornstra, Commissioner

2

^{1/} Intervenor apparently does not wish to appear on the ballot in an election in respect to the unit described in this direction. If the intervenor does wish to appear on the ballot, it should notify the commission, the petitioner and the employer within ten days from the date of this direction.

MILWAUKEE AREA BOARD OF VOCATIONAL, TECHNICAL & ADULT EDUCATION DISTRICT No. 9, LIII, Decision No. 15075

_ = ^

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

The commission has rejected intervenor's proposed unit on the grounds it would constitute an undue fragmentation and is not justified by record evidence showing a sufficiently distinctive community of interests. See sec. 111.70(4)(d)2a of the Municipal Employer Relations Act, secs. 111.70-111.77, Stats. In an earlier proceeding the commission rejected intervenor's request for an election in a unit consisting soley of the television remote production crew on the same basis. 2/

In support of their stipulated claim that the unit described in the amended petition is appropriate, the petitioner and the employer stipulated to certain uncontradicted facts concerning the employer's organizational structure and mode of operation. Specifically, they stipulated that the employer employs about 1200 full-time and 1300 part-time employes on four main campuses and 24 geographically scattered evening centers serving about 70,000 students. The unit described in the amended petition consists of approximately half of the 60 or so technical employes currently not covered by collective bargaining agreements. 3/ All those within the instant unit are employed in the employer's television division. All of the unorganized technical employes not included in the instant unit are outside the employer's television division, are separately managed and do not share a common supervision with those within the instant unit, are hired by persons other than those responsible for hiring individuals within the instant unit, and, for the most part, are data processing technicians whose work places are geographically separated from the work locations of the employes within the instant unit. On the basis of the stipulation by the petitioner and the employer as to the appropriate unit and the uncontroverted facts stipulated in support thereof, the commission has concluded that the employes in the proposed bargaining unit share a sufficiently distinct community of interests to constitute an appropriate bargaining unit. Accordingly, the commission has directed an election within said unit.

Dated at Madison, Wisconsin this 1st day of December, 1976.

By Morris Slavney, chairman

Torosian Commissioner

Charles D. Hoornstra, Commissioner

- 2/ Milwaukee Area Technical College District, (11755) (4/73).
- 3/ Local 587, AFSCME, AFL-CIO, represents a bargaining unit of the employer's employes in technical classifications. Notice of the hearing on the instant petition was mailed to Local 587 along with a copy of the petition on September 15, 1976. Local 587 made no appearance.

No. 15075