

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of	:	
	:	
WISCONSIN COUNCIL OF COUNTY AND	:	
MUNICIPAL EMPLOYEES, AFSCME, AFL-CIO	:	Case LXXIV
COUNCIL 40	:	No. 20831 ME-1366
	:	Decision No. 15863
For Clarification of Bargaining Unit	:	
for Certain Employes of	:	
	:	
CITY OF RACINE	:	
	:	

Appearances:

Mr. Richard W. Abelson, District Representative, appearing on behalf of the Petitioner.
Mr. William Halsey, Assistant City Attorney, appearing on behalf of the Municipal Employer.

ORDER CLARIFYING BARGAINING UNIT

Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO Council 40, having on September 16, 1976 filed an election petition on behalf of the Animal Control Officer and certain maintenance employes employed at the City of Racine Police garage; and the Commission having held the matter in abeyance pending the Petitioner's clarification as to whether it sought a unit clarification or representation election; and that following a mediated settlement for a 1977-1978 labor agreement between the parties in early March of 1977, the Petitioner having orally advised the Commission that it desired to proceed with a unit clarification to determine if the aforementioned positions should be included in a voluntarily recognized bargaining unit of blue collar employes presently represented by Local 67, AFSCME, AFL-CIO consisting of:

"All City employes of the Public Works system, . . . composed of the following related departments: Department of Public Works and its related divisions thereof, namely: DPW Streets (and Alleys) Maintenance Division, DPW Equipment Maintenance Division, DPW Solid Waste Division, DPW Bridges Division and DPW Building Complex Division; Parks and Recreation Department and its related divisions thereof, namely: the Cemeteries, Wustum Museum, Community Services, Memorial Hall, the Zoo, and the Forestry Division; and the Traffic and Parking Systems Division of the Department of Transportation; all excluding professional, clerical except shop clericals and office workers and any supervisory employee with the right to hire, fire or otherwise discipline employees or effectively recommend such action.";

and hearing in the matter having been held at Racine, Wisconsin on April 27, 1977 by Robert M. McCormick, Examiner; and the Commission having considered the evidence and being fully advised in the premises;

NOW, THEREFORE, it is

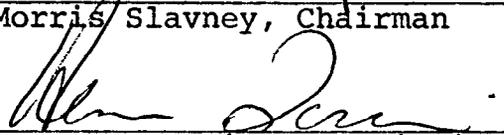
ORDERED

That the positions of Auto Maintenance Mechanic, Garage Workers, and Animal Control Officer in the Police Department shall be, and the same hereby are, included in the collective bargaining unit described above.

Given under our hands and seal at the City of Madison, Wisconsin this 5th day of October, 1977.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 
Morris Slavney, Chairman


Herman Torosian, Commissioner

MEMORANDUM ACCOMPANYING ORDER
CLARIFYING BARGAINING UNIT

The Petitioner seeks to have the positions of Garage Worker, Auto Maintenance Mechanic and Animal Control Officer, all non-law enforcement positions, accreted to an existing overall blue collar unit, which represents a voluntarily recognized unit largely consisting of employes employed in the Municipal Employer's Department of Public Works, which unit is described, supra, in the attached Order.

The Petitioner urges that the positions it seeks to accrete have more of a community of interest with the employes in the blue collar DPW unit than with the employes in a residual unit comprised largely of clerical employes.

The Commission, on at least two occasions, conducted representation elections in residual unit and in both instances a majority of employes failed to select a bargaining representative. 1/ The positions in question here were included in said residual unit, which was largely made up of clericals. Said residual unit consisted of:

"All regular full-time and all regular part-time employes (averaging 20 hours per week or more) of the City of Racine including employes in the Assessor's Office, City Attorney's Office, DPW-Cemetery Personnel, Finance, Engineering, Memorial Hall, Health Department, Planning, Purchasing, Police Department, Library, Fire Department, WPCD, and all other City of Racine employes, but excluding all professional employes in the City Hall, law enforcement personnel in the Police Department, firefighters in the Fire Department, craft employes, employes represented by Local 67, AFSCME, and Local 63, AFSCME, confidential and supervisory employes."

The Municipal Employer and Petitioner stipulated at the hearing that the Mechanic-Maintenance positions here in question were more comparable to the positions, Equipment Mechanic-Cemetery, and Small Engine Mechanic and Equipment Washer-Greaser (City Garage) than to the clerical positions in the residual unit.

In support of its position to accrete the three blue collar positions to the DPW unit, even though such positions may have been part of a residual unit in previously directed elections, the Petitioner cites the Commission's decision in City of Racine (12358) 12/73. It points out that said decision indicates that certain blue collar positions, which in the past were included in the residual unit, would later be placed, by order clarifying bargaining unit, in the overall blue collar unit represented by Local 67, AFSCME.

The record discloses that the Auto Mechanic I in the Police Garage makes mechanical and electrical repairs on vehicles just as the Equipment-Mechanic in the cemetery and the Small Engine Mechanic in the Parks are required to perform. The latter two positions are in the overall DPW unit. All four positions require the performance of major mechanical skills to maintain gasoline engines and vehicles beyond mere routine maintenance. The Garage Worker in the Police Garage is quite comparable to the DPW-unit position, Equipment Worker-Greaser (City Garage). Both positions require performance of minor maintenance of vehicles, and the washing, cleaning and lubrication of same.

1/ City of Racine (10389-C, D) 4/72; City of Racine (12252) 12/73.

The position Animal Control Officer is a civilian (non-law enforcement) position under the Police Department for budget purposes. He is supervised by a sergeant or officer below a shift commander. The salaries for both the Police Garage personnel and the Animal Control Officer are determined by the Personnel Committee of the City Council. Police Department supervision plays only a minor role in determining hiring or merit improvement rates for all the positions here in question.

The record further discloses that all other non-law enforcement positions in the Police Department, previously included in the residual unit representation votes, are clerical in nature, including clerk typists, clerk stenographers, secretaries, dispatchers and parking meter attendants.

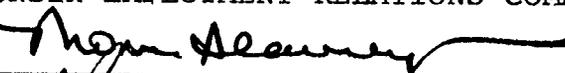
The Commission, since the enactment of the Municipal Employment Relations Act in 1971, when faced with an initial representation petition covering largely DPW employes of the City, would establish a city-wide system blue collar unit as an appropriate bargaining unit. 2/ The Commission is satisfied that the remaining few blue collar positions, which were included in the residual unit elections of 1972 and 1973, should be accreted to the voluntarily recognized DPW blue collar unit, represented by Local 67, AFSCME. 3/

The Commission therefore has clarified the DPW unit represented by Local 67, AFSCME, AFL-CIO, to reflect the inclusion of the positions of Auto Maintenance Mechanic, Garage Worker and Animal Control Officer in the voluntarily recognized collective bargaining unit described, supra, in the attached order. 4/

Dated at Madison, Wisconsin this 5th day of October, 1977.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By



Morris Slavney, Chairman



Herman Torosian, Commissioner

2/ Dane County (10492-A) 3/72.

3/ No objection was raised by either party to this proceeding to having the Commission clarify the unit status of the positions in question, based on the Commission's unit clarification policy set forth in the City of Cudahy (12997) 9/74. It is unclear whether the positions in question existed at the time that recognition was granted to Local 67. They were not specifically mentioned in the inclusions or exclusions from that unit. In view of these facts, and because the record discloses that all of the employes in question have signed a petition seeking to be included in the unit, the Commission has accreted the positions to the existing bargaining unit.

4/ At the hearing, the parties agreed that if the Commission determined that these positions should be accreted to the existing collective bargaining unit they would not be automatically covered by the terms of the existing collective bargaining agreement and that the terms of their inclusion would be the subject of negotiations.