STATE OF WISCONSIN

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BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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In the Matter of the Petition of	:	
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MILWAUKEE DISTRICT COUNCIL 48,	:	Case XCVII
AFSCME, AFL-CIO,	:	No. 21955 ME-1462
	:	Decision No. 16464
Involving Certain Employes of	:	
	:	
MILWAUKEE COUNTY	:	
	:	
Appearances:		
Podell & Ugent, Attorneys at Law	w, by Ms.	Nola Hitchcock Cross,
appearing on behalf of the		
Mr. Patrick J. Foster, Principal	l Assista	nt Corporation Counsel,

Milwaukee County, appearing on behalf of the Municipal Employer.

FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER CLARIFYING AND AMENDING BARGAINING UNIT

Milwaukee District Council 48, AFSCME, AFL-CIO having, on July 22, 1977 filed a petition with the Wisconsin Employment Relations Commission, wherein it requested the Commission to clarify an existing collective bargaining unit consisting of certain employes of Milwaukee County; and a pre-hearing conference having been held in the matter at Milwaukee, Wisconsin, on October 13, 1977, Duane McCrary, Examiner being present; and hearing in the matter having been scheduled and subsequently postponed indefinitely; and the parties having on June 28, 1978 executed a stipulation for clarification of bargaining unit; and the Commission being fully advised in the premises hereby issues the following Findings of Fact, Conclusion of Law and Order Clarifying and Amending Bargaining Unit.

FINDINGS OF FACT

1. That Milwaukee District Council 48, AFSCME, AFL-CIO, hereinafter referred to as Petitioner, is a labor organization representing employes for the purposes of collective bargaining, and having its offices at 3427 West St. Paul Avenue, Milwaukee, Wisconsin.

2. That Milwaukee County, hereinafter referred to as the Municipal Employer, having its offices at Milwaukee, Wisconsin, operates various departments wherein among others, individuals occupying the classifications of Naturalist and Recreation Leader are employed.

3. That since December 10, 1965, the Petitioner has, on the basis of an election conducted by the Commission, been the exclusive representative for the purposes of collective bargaining of the following unit of employes: "all regular full-time and regular part-time employes of the County of Milwaukee, excluding fire fighting classifications and other craft employes, registered nurses and other professional employes, confidential employes, supervisors, department heads and exempt positions".

4. That pursuant to an Order of the Commission issued on April 10, 1968, the positions of Naturalist and Recreation Leader I and II were excluded from the bargaining unit listed in Finding of Fact 3. $\underline{1}/$

^{1/} County of Milwaukee (7135-Q) 4/68.

5. That pursuant to the terms of a stipulation between the Municipal Employer and Petitioner entered into on June 28, 1978, the Municipal Employer agreed to voluntarily recognize all employes in the classifications of Naturalist and Recreation Leader, including those employed on a seasonal or part-time basis, but excluding employes in said classifications who are scheduled to work less than twenty (20) hours per week as an accretion to the overall bargaining unit represented by Petitioner.

Upon the basis of the above Findings of Fact, the Commission makes and issues the following

CONCLUSION OF LAW

That the occupants of the positions of Naturalist and Recreation Leader, including those employed on a seasonal or part-time basis, but excluding those who are scheduled to work less than twenty (20) hours per week are appropriately included in the bargaining unit described above.

Upon the basis of the above Findings of Fact and Conclusion of Law the Commission makes and issues the following

ORDER CLARIFYING BARGAINING UNIT

That the positions of Naturalist and Recreation Leader, including those who are employed on a seasonal or part-time basis, but excluding those who are scheduled to work less than twenty (20) hours per week, be and hereby are, included in the unit described in para. 3 of the Findings of Fact.

> Given under our hands and seal at the City of Madison, Wisconsin this 18th day of July, 1978.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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MILWAUKEE COUNTY, XCVII, Decision No. 16464

MEMORANDUM ACCOMPANYING FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER CLARIFYING AND AMENDING BARGAINING UNIT

Petitioner filed its petition for unit clarification on June 22, 1977 alleging that the positions of Recreation Leader I, II and III should be included in the unit represented by Petitioner in that the incumbents work twenty (20) or more hours per week and perform duties similar to those performed by employes previously included in the certified bargaining unit. A pre-hearing conference in the matter was held on October 13, 1977 wherein the parties agreed <u>inter alia</u>, that Petitioner would amend its petition to include the Naturalist classification and would withdraw from its petition the position of Recreation Leader III. Hearing in the matter was scheduled on November 29, 1977 but was subsequently rescheduled and then postponed indefinitely.

On June 28, 1978 the parties executed a stipulation for clarification of bargaining unit whereby the parties agreed to include the positions of Naturalist and Recreation Leader, with the twenty hour per week limitation noted herein, in the previously certified bargaining unit represented by Petitioner.

Dated at Madison, Wisconsin this 18th day of July, 1978.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morr Slavney Chairman Herman Torosian, Commissioner Marshall L. Gratz, Commissione