

Public Works Highway Maintenance Division of the City of Franklin and clerical employees" for the period of January 1, 1979 through December 31, 1980; that said collective bargaining agreement contains a reopener provision requiring that AFSCME submit bargaining proposals to the City no later than August 1, 1980; and that the Association filed its petition initiating the instant proceeding on July 9, 1980, which was supported by at least a 30% showing of interest.

4. That in the instant proceeding the Association seeks an election among all clerical employees of the City to determine whether said employees desire to be represented by the Association for the purposes of collective bargaining; that the Association contends the clerical employees constitute an appropriate collective bargaining unit under the Municipal Employment Relations Act; that AFSCME argues that the proposed unit would constitute an inappropriate fragmentation of the existing collective bargaining unit; and that the City has no objection to the nature of the unit within which the Association seeks an election.

5. That the existing collective bargaining unit consists of approximately 12 blue collar and 10 clerical employees; that the blue collar employees perform a variety of functions for the City, including the operation of trucks and assorted heavy equipment, custodial work and certain duties involving the City's Sewer and Water plant; that the clerical employees perform a variety of clerical/secretarial functions for the City; that the skills required to perform the latter functions differ substantially from those exercised by the blue collar employees of the City; that the clerical and blue collar employees have separate work places and separate supervision; that since they are covered by a single collective bargaining agreement, the clerical and blue collar employees basically share the same fringe benefits; that the normal workdays for the clerical and blue collar employees differ; and that there have been no transfers of employees between the clerical and blue collar employee groups.

6. That the clerical employees in question constitute a homogenous group sharing a common community of interest separate and distinct from the blue collar employees of the City.

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

CONCLUSIONS OF LAW

1. That all regular full time and regular part-time clerical employees of the City of Franklin, excluding employees of the Police and Fire Departments, supervisory, managerial, confidential and casual employees, constitute an appropriate collective bargaining unit within the meaning of Section 111.70(4)(d)2.a. of the Municipal Employment Relations Act.

2. That a question of representation within the meaning of Section 111.70(4)(d) of the Municipal Employment Relations Act has arisen among the employees of the City of Franklin employed in the appropriate collective bargaining unit described above.

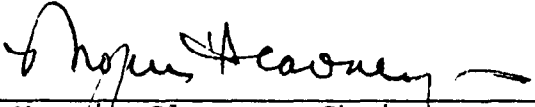
Upon the basis of the above and foregoing Findings of Fact and Conclusions of Law, the Commission makes and issues the following

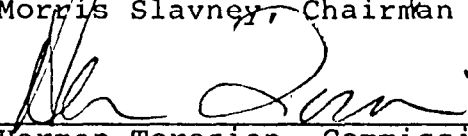
DIRECTION OF ELECTION

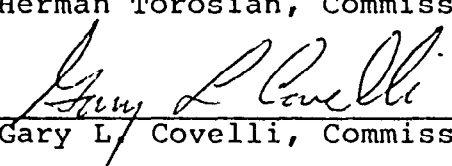
That an election by secret ballot be conducted under the direction of the Wisconsin Employment Relations Commission within thirty (30) days from the date of this directive among all regular full-time and regular part-time clerical employees of the City of Franklin excluding employees of the Police and Fire Departments, supervisory, managerial, confidential and casual employees, who were employed by the City of Franklin on November 4, 1980 except such employees as may prior to the election quit their employment or be discharged for cause, for the purpose of determining whether a majority of such employees desire to be represented for the purposes of collective bargaining by the Franklin Clerical Employees Benevolent Association, or by City of Franklin Employees Local No. 2, AFSCME, AFL-CIO or by no labor organization, on matters relating to wages, hours and working conditions.

Given under our hands and seal at the
City of Madison, Wisconsin this 4th
day of November, 1980.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 
Morris Slavney, Chairman


Herman Torosian, Commissioner


Gary L. Covelli, Commissioner

MEMORANDUM ACCOMPANYING FINDINGS OF FACT,
CONCLUSIONS OF LAW AND DIRECTION OF ELECTION

The Association seeks an election in a clerical unit which would consist of those clerical employees currently represented by AFSCME in a voluntarily recognized clerical/blue collar unit. AFSCME contends that the unit sought by the Association is not an appropriate bargaining unit in that such a unit would unduly fragment a viable existing unit. The City has no opposition to the nature of the bargaining unit sought by the Association. As the Association's petition was timely filed and supported by the requisite showing of interest, and as no dispute exists as to the positions which would be included in the proposed unit, the sole issue presented is the question of the appropriateness of the clerical unit.

In determining whether the unit sought by the Association is an appropriate unit, the Commission must consider Section 111.70(4)(d)2.a. of MERA, which provides as follows:

The Commission shall determine the appropriate unit for the purposes of collective and shall whenever possible avoid fragmentation by maintaining as few units as practicable and keeping with the size of the total municipal work force. In making such determination, the Commission may decide whether, in a particular case, the employees in the same or several departments, division, institutions, crafts, professions or other occupational groupings constitute a unit.

In applying the above statutory criteria in establishing appropriate bargaining units, the Commission has considered the following factors: 1/

1. Whether the employees in the unit sought share a "community of interest" distinct from that of other employees.
2. The duties and skills of employees in the unit sought as compared with the duties and skills of other employees.
3. The similarity of wages, hours and working conditions of employees in the unit sought as compared to wages, hours and working conditions of other employees.
4. Whether the employees in the unit sought have separate or common supervision with all other employees.
5. Whether the employees in the unit sought have a common workplace with the employees in said desired unit or whether they share a workplace with other employees.
6. Whether the Unit sought will result in undue fragmentation of bargaining units.
7. Bargaining history.

1/ See Kenosha Unified School District No. 1 (13431) 3/75; Lodi Joint School District No. 1 (16667) 11/78; Wisconsin Heights School District (17182) 8/79.


However, the weight, if any, to be given each factor in any case depends on the specific facts of that case.


The record reveals that the clerical employees in question share common duties and skills, common supervision and workplace and common working conditions. The record further reveals that the blue collar employees in the existing unit have duties and skills, supervision, workplace and working conditions which are separate from the clerical employees. The Commission has interpreted Section 111.70 (4)(d)2.a. of MERA to mean that "there is a need for a pattern of bargaining units which permits employees the right to be represented in workable units by organizations of their own choosing, which may be reasonably expected to be concerned with the unique interests and aspirations of the employees in said units." 2/ While it is clear that the establishment of the clerical unit would fragment the existing voluntarily recognized clerical/blue collar unit, the Commission is persuaded that in this case the anti-fragmentation policy is outweighed by the community of interest showed by the clericals and lack any commonality with the blue collar employees. Thus the unit sought by the Association is found to be appropriate and an election has been directed.

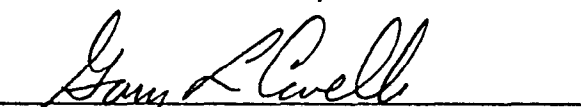
Dated at Madison, Wisconsin this 4th day of November, 1980.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Herman Torosian, Commissioner


Gary L. Covelli, Commissioner

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2/ Lincoln County (Social Services Department) (16845) 2/79.