

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of :
CHAUFFEURS, TEAMSTERS, WARE- :
HOUSEMEN AND HELPERS : Case XI
LOCAL UNION NO. 446 : No. 28518 ME-2042
 : Decision No. 19121
 :
Involving Certain Employees of :
TAYLOR COUNTY :

Appearances:

Goldberg, Previant, Uelmen, Gratz, Miller, Levy & Brueggeman, S. C.,
Attorneys at Law, by Marianne Goldstein Robbins, 788 North Jefferson
Street, P. O. Box 92099, Milwaukee, Wisconsin 53202, and, Jerome
Hansen, Business Agent, Teamsters Local 446, 320 South Third Avenue,
P. O. Box 1123, Wausau, Wisconsin 54401, appearing for the Union.
James P. Seidl, Corporation Counsel, Taylor County Courthouse, Medford,
Wisconsin 54451, appearing for the County.

FINDINGS OF FACT, CONCLUSION OF LAW
AND DIRECTION OF ELECTIONS

Chauffeurs, Teamsters, Warehousemen and Helpers Union, Local No. 446, having on August 19, 1981, filed a petition requesting the Wisconsin Employment Relations Commission to conduct an election, pursuant to the provisions of the Municipal Employment Relations Act, among certain employees in the employ of Taylor County; and a hearing in the matter having been conducted on October 15, 1981 at Medford, Wisconsin before Douglas V. Knudson, Examiner; and the Commission, having considered the evidence and being fully advised in the premises, hereby makes and issues the following

FINDINGS OF FACT

1. That Chauffeurs, Teamsters, Warehousemen and Helpers Union, Local No. 446, hereinafter referred to as the Union, is a labor organization having its offices at 320 South Third Avenue, P. O. Box 1123, Wausau, Wisconsin 54401.
2. That Taylor County, hereinafter referred to as the County, is a municipal employer having its offices in Medford, Wisconsin 54451.
3. That at the hearing on October 15, 1981 the Union and the County stipulated to the conduct of representation elections among employees in the following two voting groups, with the professional employees also voting on whether they desire to be included in a single unit with non-professional employees:
 - a. All regular full-time and regular part-time employees of Taylor County employed in the Courthouse and related departments and the Human Services Department, conditionally excluding professional employees, and fully excluding supervisory, managerial, confidential, craft and elected employees, non-clerical employees of the Highway Department, and, law-enforcement employees with the power of arrest;
 - b. All regular full-time and regular part-time professional employees of Taylor County employed in the Courthouse and related departments and the Human Services Department, excluding supervisory, managerial and confidential employees, and, all other employees;

and, that, if the professional employees vote to be included in a single bargaining unit with the non-professional employees, then the conditional exclusion of professional employees shall be removed from the description of the bargaining unit set forth in (a) above.

4. That, at the time of the hearing herein, there existed the following two collective bargaining units of employees in the employ of the County:

- a. All employees of the Highway Department, excluding the Highway Commissioner, supervisors, confidential clerical employees and temporary employees.
- b. All deputy sheriffs employed in the Sheriff's Department.

5. That the Union and the County stipulated to the exclusion of the following positions, and the employees occupying same, from the voting groups described in Finding of Fact No. 3:

<u>Positions</u>	<u>Occupants</u>
<u>Elected Officials</u>	
Clerk of Circuit Court	Joyce McNamar
District Attorney	James Seidl
County Clerk	Roger Emmerich
County Treasurer	Alvin Sova
Register of Deeds	Harold Gowey
Sheriff	Alfred Palmer
Coroner	Scott Liske
County Surveyor	Charles Offerman
<u>Supervisory and/or Managerial</u>	
Real Property Lister	Mary Jensen
Coordinator, TC Aging Programs	Shirley Potts
Veterans Officer	David Thomas
County Agricultural Agent	Thomas Koszarek
4-H Agent	Lansing Carlson
Home Economist	Majorie Zerbel
Resource Agent	Al Lietzke
County Conservationist	Bill Hafs
Zoning Administrator	Lawrence Peterson
County Nurse	Mary Farning
Human Services Director	Steven Jackelen
Recreation Supervisor	Brad Ruesch
Maintenance Supervisor	Ed Erl
Emergency Government Director	Roland Sacho
<u>Human Services Department Supervisory Positions</u>	
Administrative Secretary	Gloria Spreen
Fiscal Administrator	Vacant
Mental Health Coordinator	*Doreen Eldred
AODA Coordinator	*Lynn Davis
Social Services Coordinator	*Susan Grandberg
Youth Aides Coordinator	*Tom Pink
Developmental Disabilities Coordinator	*Leon Gazek

*The asterisk identifies individuals who are currently in supervisory positions. The positions previously occupied by said individuals are included in the bargaining unit, and should any of said five individuals return to bargaining unit positions prior to the elections, they shall be eligible to vote. Said positions included in the bargaining unit are Psychiatric Social Worker, AODA Counselor, Youth Aides Worker, Developmental Disabilities Coordinator, and, Case Manager.

1/ The stipulation by the parties on confidential positions was made in accordance with prior interpretations of confidential status made by the Commission, rather than in accordance with the more expansive definition of confidential contained in the County's Code at Section 3.04(2). See, e.g., Waukesha Joint School District, Decision No. 10623-A (3/81).

Confidential 1/

Legal Secretary	Sharon Virnig
Personnel Committee Secretary	Sharon Southart
Assistant District Attorney/ Child Support Specialist	Everett Hale

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

CONCLUSION OF LAW

That the following voting groups singularly may constitute separate appropriate collective bargaining units, or, jointly may constitute a single appropriate collective bargaining unit, of employees of Taylor County, within the meaning of Sec. 111.70(4)(d)2.a. of the Municipal Employment Relations Act; and that a question of representation has arisen among employees in said voting groups, as well as a question concerning appropriate bargaining unit or units, all within the meaning of said section of the Municipal Employment Relations Act:

Voting Group No. 1

All regular full-time and regular part-time employees of Taylor County employed in the Courthouse and related departments and the Human Services Department, excluding supervisory, managerial, professional, confidential, craft and elected employees, non-clerical employees of the Highway Department, and, law enforcement employees with the power of arrest.

Voting Group No. 2

All regular full-time and regular part-time professional employees of Taylor County employed in the Courthouse and related departments and the Human Services Department, excluding supervisory, managerial and confidential employees, and, all other employees.

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

DIRECTION OF ELECTIONS

IT IS HEREBY DIRECTED that elections by secret ballot shall be conducted under the direction of the Wisconsin Employment Relations Commission within thirty (30) days from the date hereof among employees of Taylor County employed in the following Voting Groups for the following stated purposes:

Voting Group No. 1

All regular full-time and regular part-time employees of Taylor County employed in the Courthouse and related departments and the Human Services Department, excluding supervisory, managerial, professional, confidential, craft and elected employees, non-clerical employees of the Highway Department, and, law enforcement employees with the power of arrest, who were employed on November 11, 1981, 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 voting desire to be represented by Chauffeurs, Teamsters, Warehousemen and Helpers Union, Local No. 446, for the purposes of collective bargaining with Taylor County on questions of wages, hours and conditions of employment.

Voting Group No. 2

All regular full-time and regular part-time professional employees of Taylor County employed in the Courthouse and related departments and the Human Services Department, excluding supervisory, managerial and confidential employees and all other employees, who were employed on November 11, 1981, except such employees as may prior to the election quit their employment or be discharged for cause, for the purposes of determining (1) whether a majority of the employees in said Voting

Group desire to be included in the bargaining unit described as Voting Group No. 1; and, (2) whether a majority of such employees voting desire to be represented by Chauffeurs, Teamsters, Warehousemen and Helpers Union, Local No. 446, for the purposes of collective bargaining with Taylor County on questions of wages, hours and conditions of employment.

Given under our hands and seal at the City of Madison, Wisconsin, this 11th day of November, 1981.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 
Gary L. Covelli, Chairman


Morris Slavney, Commissioner


Herman Torosian, Commissioner

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

When in an election proceeding a request is made to include professional employees in a single unit with non-professional employees, Section 111.70(4)(d) of the Municipal Employment Relations Act requires that the professional employees be given an opportunity to vote to determine whether they desire to be so included. In order to be so included, a majority of eligible professional employees must vote in favor of such inclusion. Therefore, in this proceeding, the professional employees (Voting Group No. 2) will be given two ballots, (1) to determine whether they desire to be included in a single unit with non-professional employees (Voting Group No. 1) and, (2) whether they desire to be represented by Chauffeurs, Teamsters, Warehousemen and Helpers Union, Local No. 446. The unit determination ballot will be a separate colored ballot, and the professional employees will be instructed to deposit their unit determination ballots in the ballot box. The professional employees who appear to vote will be previously instructed to place their representation ballots in a furnished blank envelope and to seal such envelope and deposit same in the ballot box.


The unit determination ballots cast by the professional employees will be initially counted, and should a majority of the eligible professional employees vote in favor of being included in a single unit with non-professional employees, the sealed envelopes, containing the ballots of the professionals with respect to representation, will be opened and their ballots will be co-mingled with the representation ballots cast by the non-professional employees, and thereafter the tally will include the representation ballots cast by both professional and non-professional employees.

Should a majority of the professional employees eligible not vote in favor of being combined in a unit with non-professional employees, then the professional employees shall constitute a separate unit, and their representation ballots will not be co-mingled with the representation ballots cast by the non-professional employees, and, as a result, the representation ballots cast by the non-professional employees will be tallied separately to determine separately their choice as to bargaining representative.

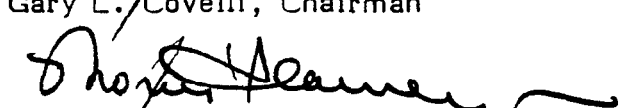
Dated at Madison, Wisconsin, this 11th day of November, 1981.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION


By



Gary L. Covelli, Chairman



Morris Slavney, Commissioner



Herman Torosian, Commissioner