

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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In the Matter of the Petition of	:	
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MADISON EMPLOYEES LOCAL 60,	:	
WISCONSIN COUNCIL OF COUNTY	:	Case LXXXVIII
and MUNICIPAL EMPLOYEES,	:	No. No. 29406 ME-2094
COUNCIL 40, AFSCME, AFL-CIO	:	Decision No. 19547
	:	
Involving Certain Employes of	:	
	:	
CITY OF MADISON	:	
	:	

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Appearances:

Darold O. Lowe, Staff Representative, Madison Employees Local 60, Wisconsin Council 40, AFSCME, AFL-CIO, 5 Odana Court, Madison, Wisconsin 53719, appearing on behalf of the Petitioner.

Timothy C. Jeffery, Director of Labor Relations, City of Madison, and Ken Wright, Assistant Director of Labor Relations, City of Madison, appearing on behalf of the City of Madison, 210 Monona Avenue, Madison, Wisconsin 53709

FINDINGS OF FACT, CONCLUSION OF LAW  
AND DIRECTION OF ELECTION

Madison Employees Local 60, Wisconsin Council of County and Municipal Employees, Council 40, AFSCME, having on March 3, 1982, 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 employes in the employ of the City of Madison; and a hearing in the matter having been conducted on April 1, 1982 at Madison, Wisconsin, and the Commission, having considered the record, and being fully advised in the premises, makes and issues the following

FINDINGS OF FACT

1. That Madison Employees Local 60, WCCME, Council 40, AFSCME, hereinafter referred to as the Union, is a labor organization having its offices at 5 Odana Court, Madison, Wisconsin 53719.
2. That the City of Madison, hereinafter referred to as the City, is a municipal employer having its offices in the City-County Building, 210 Monona Avenue, Madison, Wisconsin 53709.
3. That during the course of the hearing herein the parties stipulated that the Commission should conduct an election among employes of the City employed in a voting group consisting of all crossing guards, excluding supervisors, confidential, professional, craft, clerical and casual on-call employes, to determine whether the employes in said voting group desired to be represented by the Union for the purposes of collective bargaining, with the understanding that should the employes in said voting group select the Union as their collective bargaining representative, then the employes in said voting group shall be accreted by the Commission to the existing unit of seasonal/hourly employes of the City, which employes are also represented by the Union for the purposes of collective bargaining.
4. That also during the course of the hearing the parties stipulated that Sylvia Zimmerman and Murial Roeske, were supervisors, and therefore excluded from said voting group, and that Cheryl Fraupschy and Helen Timbers were "on-call" casual employes, and were also therefore excluded from said voting group.

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

CONCLUSION OF LAW

1. That a question of representation, within the meaning of Sec. 111.70(4)(d) of the Municipal Employment Relations Act, has arisen among all crossing guards in the employ of the City of Madison, excluding supervisors, confidential, professional, craft, clerical, and casual on-call 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 ELECTION

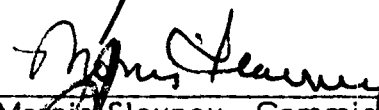
IT IS HEREBY directed that an election by secret ballot shall be conducted under the direction of the Wisconsin Employment Relations Commission within forty-five (45) days from the date of this directive in the voting group consisting of all employees of the City of Madison regularly employed as crossing guards, but excluding supervisors, confidential, professional, craft, clerical and casual on-call employees, who were employed by the City of Madison on April 16, 1982 except said employees as may prior to the election quit their employment or be discharged for cause, for the purpose of determining whether a majority of said employees voting desire to be represented by Madison Employees Local 60, Wisconsin Council of County and Municipal Employees, Council 40, AFSCME, AFL-CIO for the purpose of collective bargaining with the City of Madison, on wages, hours and conditions of employment, and should said Union be so selected than the employees in said voting group will be accreted to the unit of seasonal/hourly employees in the employ of the City, which unit is presently represented, for the purposes of collective bargaining, by said Union.


Given under our hands and seal at the City of  
Madison, Wisconsin this 16th day of April, 1982.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
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Gary L. Covelli, Chairman

  
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Morris Slavney, Commissioner

  
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Herman Torosian, Commissioner

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


As indicated in the Commission's decision herein, the parties agreed that the employes in the agreed upon voting group of "crossing guards" should be given the opportunity to indicate whether they desire to be represented by the Union for the purposes of collective bargaining, and should they vote for such representation, then they shall be accreted to the existing unit of seasonal/hourly employes of the City, which unit is presently represented by the Union, and which unit consists of seasonal employes in the employ of the following departments of the City: 1/


Assessor	Airports	Water
Comptroller	Traffic Engineer	Building Inspection
Treasurer	Parking Utility	Truax Air Park
Purchasing	Parks	Fire
Health	Ice Arena	Police

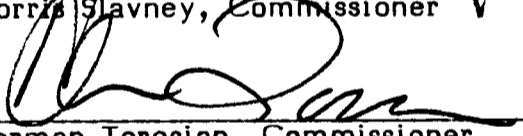
While not material to the issues in this proceeding, it should be noted that during the course of the hearing the parties also agreed that should the employes in the voting group involved herein select the Union as their bargaining representative, and should the parties be unable to reach an agreement in negotiations on the wages, hours and working conditions of the employes in said voting group, then either party may petition the Commission to initiate mediation-arbitration, pursuant to Sec. 111.70(4)(cm)6 with regard to the impasse arising in such collective bargaining.

Dated at Madison, Wisconsin this 16th day of April, 1982.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By   
 Gary L. Covelli, Chairman

  
 Morris Slavney, Commissioner

  
 Herman Torosian, Commissioner

1/ City of Madison, XXXXII, (12086), 10/15/73.