

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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In the Matter of the Petition of  
WISCONSIN COUNCIL OF COUNTY  
AND MUNICIPAL EMPLOYEES #40,  
AFSCME, AFL-CIO  
Involving Certain Employees of  
CITY OF RICE LAKE  
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Case XXIII  
No. 31050 ME-2180  
Decision No. 20791

Appearances:

Mulcahy & Wherry, S.C., Attorneys at Law, by Mr. Stephen L. Weld,  
P.O. Box 1030, Eau Claire, Wisconsin 54702-1030, appearing on behalf  
of the City of Rice Lake.  
Mr. Edward Guthman, Business Representative, 2233 Birch Street, Eau Claire,  
Wisconsin 54701, appearing on behalf of the Operating Engineers Local  
Union No. 139.  
Mr. Richard H. Rettke, Staff Representative, P. O. Box 68, Rice Lake,  
Wisconsin 54868 and Mr. Guido Cecchini, Staff Representative, 470  
Garfield Avenue, Eau Claire, Wisconsin 54701, appearing on behalf of  
Wisconsin Council of County and Municipal Employees #40.

FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND DIRECTION OF ELECTION

Wisconsin Council of County and Municipal Employees #40, AFSCME, AFL-CIO, having on January 20, 1983 filed a petition requesting the Wisconsin Employment Relations Commission to conduct an election among certain employees of the City of Rice Lake to determine whether said employees desire to be represented by said Petitioner for the purpose of collective bargaining; and a hearing having been held on March 17, 1983, in Rice Lake, Wisconsin, before Daniel J. Nielsen, a member of the Commission's staff, during the course of which Local 139, International Union of Operating Engineers, AFL-CIO, was permitted to intervene in the matter on the basis of its claim of majority status in the proposed unit; and the parties having submitted post-hearing briefs which were exchanged through the Hearing Officer on May 6, 1983; and the deadline for reply briefs having passed on May 15, 1983 without the filing of any such reply briefs; and the Commission, having considered the entire record and the arguments of the parties, and being fully advised in the premises, makes and issues the following

FINDINGS OF FACT

1. That the City of Rice Lake, hereinafter referred to as the City, is a municipal employer and maintains its principal offices at the City Hall, 11 East Marshall Street, Rice Lake, Wisconsin 54868; and that among its governmental functions are the operation of the City Hall, Safety Building, Parks and Recreation Department, Cemetery, Library, Senior Citizens Center, Water Utility, Sewer Utility and Transportation Department.

2. That the Wisconsin Council of County and Municipal Employees #40, AFSCME, AFL-CIO, hereinafter referred to as AFSCME, is a labor organization maintaining its offices at P. O. Box 68, Rice Lake, Wisconsin 54868.

3. That the International Union of Operating Engineers, Local No. 139, AFL-CIO, hereinafter referred to as the Operating Engineers, is a labor organization maintaining its offices at 2233 Birch Street, Eau Claire, Wisconsin 54701; and that the Operating Engineers have at all times material herein been the certified exclusive bargaining representative of a collective bargaining unit consisting of all equipment operators, truck drivers and other employees of the City of Rice Lake Street Department, excluding office, clerical and supervisors, pursuant to Commission Decision No. 14843 (9/9/76).

4. That the International Brotherhood of Electrical Workers is the exclusive bargaining representative of the full-time employees of the City of Rice Lake Electrical Utility, excluding supervisory personnel, managerial, seasonal, temporary, part-time and clerical employees; that the Rice Lake Paid Firefighters Association is the exclusive bargaining representative for the employees in the Rice Lake Fire Department, except the Fire Chief or supervisory personnel; that the Rice Lake Professional Policemen's Association is the exclusive bargaining representative for the policemen employed by the Rice Lake Police Department, excluding the Chief of Police and the Assistant Chief; and that none of the bargaining units set forth above is at issue in the instant proceeding.

5. That AFSCME initiated the instant proceeding by filing a petition requesting the Wisconsin Employment Relations Commission to conduct an election in a residual bargaining unit consisting of all regular full-time and regular part-time employees of the City Hall Complex, Safety Building, Parks and Recreation, Cemetery, Library, Senior Citizen's Center, Water Utility, Sewer Utility and Transportation Department employees, excluding equipment operators, truck drivers and other "blue collar" employees of the Street Department, "blue collar" employees of the Electrical Utility, supervisory, managerial and temporary employees; that, at the hearing in the matter, the parties stipulated to the following unit description which they believed to be appropriate:

all regular full-time and part-time employees of the City Hall Complex, Safety Building, Parks and Recreation, Cemetery, Library, Senior Citizen's Center, Water Utility, Sewer Utility and Transportation Department employees, but excluding equipment operators, truck drivers and other blue collar employees of the Streets Department, blue collar employees of the Electrical Utility, executive, supervisory, managerial, confidential and temporary employees.

and that the parties agreed that the sole issues to be litigated at the hearing were the appropriateness of including the seasonal employees in the Parks Department in the proposed unit and the status of Building Inspector Mark Stevenson, Superintendent of Parks/Sexton of Cemeteries Rich Krahenbuhl, and Assistant Manager of the Waste Treatment Plant Wally Thom.

6. That, for the past fifteen years, the City of Rice Lake Parks Department has employed approximately eleven seasonal employees for the period from April 15 through September 15 of each year to perform maintenance on City Park facilities; that these seasonal employees are a mix of students and retired people, with the majority being retirees; that the majority of these seasonal employees are employed for more than one season; that it is the policy of the Parks Superintendent to rehire the seasonal employees on a regular basis from year to year if their work is satisfactory; and that the seasonal employees in the Parks Department have an expectation of continued employment from year to year and are regular part-time employees of the City of Rice Lake.

7. That the City of Rice Lake maintains a Building Inspector's office staffed by Building Inspector Mark Stevenson and a secretary who is shared with the Assessor's office; that the Building Inspector reports to the Mayor; that the Building Inspector is a salaried employee, working a minimum of forty hours per week on a flexible schedule which he determines; that the Building Inspector enforces the state construction codes, as well as enforcing the City Building Code; that the Building Inspector drafts the City Building Code for the City Planning Commission's approval and makes the revisions required by the Planning Commission; that he regularly attends Planning Commission meetings and Zoning Board of Appeals meetings as part of his regular duties; that he originates a budget for the Building Inspector's Department based on the previous year's budget, a specified percentage increase established by the City Council, and his estimation of any new programs which he deems should be included; that he submits the budget directly to the Board of Estimates; that any mid-year variations proposed by the Building Inspector from the established budget must be approved by the City Council; that the Building Inspector does not have the authority to discipline the part-time secretary in his office; that the Building Inspector has only de minimus involvement in supervising the part-time secretary in his office; that the Mayor is the immediate supervisor of the part-time secretary in the Building Inspector's office; that the position of Building Inspector includes the appointment of the incumbent as Health Officer and the assumption of those duties as well; that the Building Inspector is directly and intimately involved in the formulation, determination and implementation of public policy in his development

and enforcement of the City Building Code; and that the Building Inspector is therefore a managerial employee.

8. That the City of Rice Lake operates a Parks and Recreation Department headed by Ron Kopp, Director of Parks and Recreation; that the current Parks and Recreation Department was created through the combination of separate Parks Department and Recreation Department; that said combination was achieved for budgetary purposes; that Rich Krahenbuhl is the Superintendent of Parks/Sexton of Cemeteries for the City of Rice Lake; that Krahenbuhl and Jack Hanson are the only two full-time employees of the Parks Department during the off-season (the period from September 15 through April 15); that the Parks Department employs approximately eleven seasonal employees every year during the summer season (the period from April 15 through September 15); that the work of the seasonal employees varies from day to day and is assigned to them by Krahenbuhl; that Krahenbuhl has the authority to remove workers from one project and assign them to another project without approval of Ron Kopp; that Krahenbuhl has the authority to direct the work force in the Parks Department, including the assignment of work and the imposition of discipline; that Krahenbuhl interviews applicants for positions as seasonal employees and makes recommendations to the Parks Board; that the Parks Board has never overruled Krahenbuhl on a recommendation for hiring a seasonal employee; that Krahenbuhl has the effective authority to hire seasonal employees in the Parks Department; that Krahenbuhl is a supervisor; that Krahenbuhl originates a preliminary budget for the Parks Department which is submitted to Ron Kopp for approval before being forwarded to the City Council; that Ron Kopp does not become involved in the operations of the Parks Department except for his review of the Department budget; that during the winter months, Rich Krahenbuhl and Jack Hanson perform substantially the same work in repairing and maintaining equipment and facilities, including the ice rinks in the City; that the Superintendent of Parks/Sexton of Cemeteries does not have the authority to commit the Employer's resources in the operation of the Parks Department; that while the Superintendent has some involvement in the formulation, determination and implementation of management policy for the Parks Department, primary responsibility for these policy functions is vested in the City of Rice Lake Parks Board; and that the Superintendent of Parks/Sexton of Cemeteries is not a managerial employee.

9. That the City of Rice Lake runs a Waste Water Treatment Plant and Water Utility under the direction of Ron Perkovich, Superintendent of Waste Water Treatment Plant Utilities; that Perkovich supervises six employees, four at the Waste Water Treatment Plant and two at the Utility Building; that Perkovich divides his time between the Treatment Plant and the Utility Building; that because of a major expansion project at the Treatment Plant, Perkovich spends approximately seventy percent of his time at the Treatment Plant; that Wally Thom has been employed in the Waste Water Treatment Plant for four years; that for the first two and one-half years of his employment, Thom was a laborer; that upon receiving certification as an operator, Thom was promoted to the position of Assistant Manager of the Waste Water Treatment Plant; that the four employees at the Treatment Plant are certified operators performing technical tasks on a routine basis; that in the absence of the Superintendent, the Assistant Manager supervises the activities at the Waste Water Treatment Plant; that Wally Thom has never disciplined another employee; that Thom participates in employment interviews and expresses an opinion as to the applicants; that only one position has been filled since Thom assumed the position of Assistant Manager; that the Assistant Manager does not possess the authority to effectively recommend the hiring, promotion, transfer, discipline or discharge of employees; that the Assistant Manager possesses the authority to direct and assign the work force only in the absence of the Superintendent, and because of the routine nature of the tasks performed by the certified operators, the exercise of this authority is a de minimus portion of the Assistant Manager's duties; that the Assistant Manager is primarily engaged in supervising an activity; that the Assistant Manager does not exercise a significant amount of independent judgement in the supervision of employees; that the Assistant Manager is a lead worker who does not spend a substantial majority of his time supervising employees; and that the Assistant Manager does not exercise supervisory authority in sufficient combination and degree to render him a supervisor.

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

#### CONCLUSIONS OF LAW

1. That the seasonal employees of the Parks Department are "municipal employees" within the meaning of Sec. 111.70(1)(b) of the Municipal Employment

Relations Act and are regular part-time employees of the municipal employer, and that therefore, said seasonal employees are eligible to vote in the election directed herein.

2. That the Building Inspector/Health Officer is a managerial employee of the municipal employer, and is not therefore a "municipal employee" within the meaning of Sec. 111.70(1)(b) of the Municipal Employment Relations Act.

3. That the Superintendent of Parks/Sexton of Cemeteries is a supervisor within the meaning of Sec. 111.70(1)(o)(1) of the Municipal Employment Relations Act and is not therefore a "municipal employee" within the meaning of Sec. 111.70(1)(b) of the Municipal Employment Relations Act.

4. That the Assistant Manager of the Waste Water Treatment Plant is not a supervisor as defined by Sec. 111.70(1)(o)(1) of the Municipal Employment Relations Act and is therefore a "municipal employee" within the meaning of Sec. 111.70(1)(b) of the Municipal Employment Relations Act and is eligible to vote in the election directed herein.

5. That the residual bargaining unit consisting of all regular full-time and part-time employees of the City Hall Complex, Safety Building, Parks and Recreation, Cemetery, Library, Senior Citizen's Center, Water Utilities, Sewer Utility and Transportation Department employees, including seasonal employees of the Parks Department, but excluding equipment operators, truck drivers and other blue collar employees of the Streets Department, blue collar employees of the Electrical Utility, executive, supervisory, managerial, confidential and temporary employees in the employ of the City of Rice Lake, constitutes an appropriate collective bargaining unit within the meaning of Sec. 111.70(4)(d) of the Municipal Employment Relations Act.

6. That a question of representation, within the meaning of Sec. 111.70(4)(d) of the Municipal Employment Relations Act has arisen among the municipal employees in the collective bargaining unit set forth in paragraph 5, supra.

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

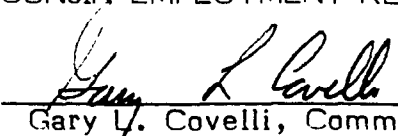
#### DIRECTION OF ELECTION

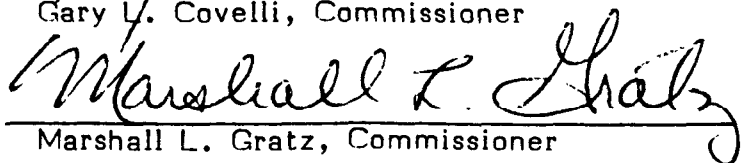
That an election by secret ballot be conducted under the direction of the Wisconsin Employment Relations Commission within forty-five (45) days from the date of this directive in the collective bargaining unit consisting of all regular full-time and part-time employees of the City Hall Complex, Safety Building, Parks and Recreation, Cemetery, Library, Senior Citizen's Center, Water Utilities, Sewer Utility and Transportation Department, including seasonal employees of the Parks Department, but excluding equipment operators, truck drivers and other blue collar employees of the Streets Department, blue collar employees of the Electrical Utility, executive, supervisory, managerial, confidential and temporary employees in the employ of the City of Rice Lake, who were employed by the City of Rice Lake on June 30, 1983, 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 said employees desire to be represented by Wisconsin Council of County and Municipal Employees #40, AFSCME, AFL-CIO, or by Local Union No. 139, International Union of Operating Engineers, AFL-CIO, or by neither of said organizations, for the purpose of collective bargaining with the City of Rice Lake on wages, hours and conditions of employment.

Given under our hands and seal at the City of  
Madison, Wisconsin this 30th day of June, 1983.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Gary L. Covelli, Commissioner

  
Marshall L. Gratz, Commissioner

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

Five issues are presented by the factual record and the arguments of the parties:

1. The appropriateness of the unit insofar as the seasonal employees of the Parks Department are concerned;
2. The alleged supervisory and/or managerial status of the Building Inspector/Health Officer;
3. The alleged supervisory and/or managerial status of the Superintendent of Parks/Sexton of Cemeteries;
4. The alleged supervisory status of the Assistant Manager of the Waste Water Treatment Plant;
5. The contention of the Operating Engineers that the operation of Streets Department equipment should be reserved to members of the Operating Engineers' bargaining unit in the Streets Department. 1/

I. The Inclusion of Seasonal Employees

The Superintendent of Parks effectively recommends the hiring of eleven seasonal employees each year to work in the parks between April 15 and September 15. These seasonal employees are generally retired persons who return to these positions yearly until they either decide to quit or become too ill to work. It is the policy of the Superintendent of Parks to rehire these retirees each year, assuming that they adequately perform their duties.

Seasonal employees who have a "reasonable expectation" of returning to their employment in the following season are considered regular part-time employees with a sufficient community of interest with other regular full-time and regular part-time employees to be included in the same unit with them. 2/ Absent that expectation, however, such persons are considered casual employees, not possessing a sufficient community of interest with regular employees to justify their inclusion in the same collective bargaining unit with regular employees. The City maintains that the turnover among these seasonals, together with the fact that the need for such seasonals is reviewed each year as part of the budget process, deprives the seasonal employees in the Parks Department of a reasonable expectation of continued employment. The record will not support such a contention. The turnover among the seasonal employees this year was projected at five out of eleven. The testimony of the Superintendent of Parks, however, was that all of the seasonals have returned in some years and that it is his policy to rehire seasonals who have performed adequately. The fact that the rate of return varies from year to year does not indicate that the seasonals as a group do not possess an expectation of return. The conditioning of this return upon continued funding and adequate

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1/ The Operating Engineers intervened at the hearing on this matter for the purpose of appearing on the ballot in the representation election, but took no part in the questioning of witnesses or the introduction of exhibits and raised no issue regarding the appropriateness of the unit at the time of the hearing. In a post-hearing brief, however, the Operating Engineers did raise the issue of jurisdiction over the Streets Department equipment.

2/ See, for example, City of Edgerton, No. 11340 (10/72); Stevens Point Board of Education, No. 7713 (8/66).

individual performance in no way distinguishes the seasonal employees from any other group of employees. Virtually all non-elected public positions are at least theoretically subject to an elimination of funding in the annual budget process, and each individual's job security is in some measure subject to adequate performance. We therefore conclude that the seasonal employees of the Parks Department are regular part-time employees appropriately included in the proposed unit.

## II. The Status of the Building Inspector/Health Officer

The City submits that the Building Inspector/Health Officer is a supervisory and/or managerial employee. The following factors are considered in determining whether an employee is a supervisor:

1. The authority to effectively recommend the hiring, promotion, transfer, discipline or discharge of employees;
2. The authority to direct and assign the work force;
3. The number of employees supervised, and the number of other persons exercising greater, similar or lesser authority over the same employees;
4. The level of pay, including an evaluation of whether the supervisor is paid for his skills or for his supervision of employees;
5. Whether the supervisor is primarily supervising an activity or is primarily supervising employees;
6. Whether the supervisor is a working supervisor or whether he spends a substantial majority of his time supervising employees; and
7. The amount of independent judgment exercised in the supervision of employees.

Dodge County (Clearview Nursing Home), No. 11469-A (3/24/83). It is not necessary that all of these factors be present in order to find supervisory status, merely that a sufficient number or combination of factors be present. Dodge County (Clearview Nursing Home), *supra*. Applying this standard, it is plain that the Building Inspector/Health Officer is not a supervisory employee. The only individual who works under him is a part-time secretary. This secretary schedules her vacations through the Building Inspector, but there is nothing to indicate that he is involved in hiring her, or in any way supervising her other than providing her with secretarial tasks. The Mayor ultimately supervises this secretary, as is evident from the fact that any discipline is referred to the Mayor's office, which is located in the same building. Any supervision of this secretary performed by the Building Inspector is purely incidental to her role as the clerical assigned to his office.

The City asserts, however, that the Building Inspector/Health Officer is a managerial employee regardless of any supervisory functions that he may perform. In order for an employee to be found managerial, that employee must either participate in the formulation, determination and implementation of policy in some significant manner, or have the effective authority to commit the municipal employer's resources. Dodge County (Clearview Nursing Home), *supra*. The record satisfies the Commission that the Building Inspector is a managerial employee. The development of the City Building Code, which defines a significant portion of his inspection duties as well as establishing policy for the municipal employer, is accomplished through a collaboration between the Building Inspector and the Planning Commission. Although the mere submission of drafts to a legislative body would not sufficiently involve an employee in policy-making function of the employer to render him managerial, the technical nature of the Building Code would suggest a greater reliance on the drafter than would, for example, a subdivision control ordinance. This, in combination with the Building Inspector's role in enforcing the Code ultimately approved and the generation of an original departmental budget, suffices to align the Building Inspector more closely with the interests of management than those of the work force and to exclude him from the unit as a managerial employee.

### III. The Status of the Superintendent of Parks/Sexton of Cemeteries

The Superintendent of Parks is one of two regular full-time employees in the Parks Department. During the "off season" from September 15 through April 15, he performs substantially the same work as the other full-time employee, repairing equipment and maintaining ice skating and hockey rinks. The bulk of the work in the Parks Department is performed during the summer months, when the full-time staff is supplemented by approximately eleven seasonal employees. The Superintendent assigns work to these employees and supervises them in the performance of this work. Although the combined Parks and Recreation Department is headed by Ron Kopp, the Director of Parks and Recreation, he is primarily involved in the Recreation Department and does not involve himself in the actual operation of the Parks Department which is left to the Superintendent. The Superintendent is responsible for developing the budget for his Department, which is submitted to Kopp for his approval before being forwarded to the Board of Estimates. The Superintendent interviews applicants for seasonal positions and makes recommendations to the Parks Board as to whom it should hire. These recommendations have never been overruled. The Superintendent proposes projects to the Parks Board, but the Board makes the final determination and the record does not reflect that the same deference has been paid to these proposals as has been to the recommendations regarding hiring.

The City maintains that the Parks Superintendent is both supervisory and managerial, and is thus excluded from the bargaining unit. The record will not justify a finding that the Superintendent is a managerial employee. While he does develop a preliminary budget proposal for the Parks Department, the budget must be approved by his immediate supervisor, Ron Kopp, before being forwarded to the City Council. The Superintendent does have input to the determination of policy in the area of Parks operation, but it appears that the Parks Board more directly controls the policy aspects of the Department's operations. As the Superintendent does not meet the criteria cited for managerial status in Section II, supra, he cannot be excluded from the unit on that basis. It is plain from the record, however, that the Superintendent does exercise significant supervisory authority within the Department over the seasonal employees who, as noted in Section I, supra, are appropriately included in the bargaining unit. The Superintendent directs the work of these employees, administers discipline when necessary, possesses considerable discretion in the assignment of these employees to work sites and tasks and is vested with the effective authority to hire these employees. Although, as AFSCME notes in its brief, the supervisory duties of the Superintendent are performed only during the five months from April through September, it is the severe reduction in work load during the off season which leads to his performance of lead worker type duties during that period rather than some inherently non-supervisory nature of his position. The Superintendent functions as a supervisory employee while the Department employs thirteen employees and as a lead worker while only two employees are working. His supervisory duties therefore form a significant enough portion of his overall duties to align his interests more closely with management than with the remainder of the work force. The Superintendent of Parks/Sexton of Cemeteries is therefore a supervisor within the meaning of the Act and is appropriately excluded from the bargaining unit established herein.

### IV. The Status of the Assistant Manager of the Waste Water Treatment Plant

The City asserts that Wally Thom, the Assistant Manager of the Waste Water Treatment Plant, should be excluded from the unit as a supervisory employee. This assertion is based upon the frequent absence of the Superintendent of Waste Water Treatment Utilities from the Treatment Plant and the need for supervision in his absence. The City further notes that the Assistant Manager has participated in employment interviews, has the authority to direct the work force in the absence of the Superintendent, and may administer discipline to employees under his supervision. The record indicates, however, that the Assistant Manager has participated in only one employment interview since assuming his position and that the interview was conducted by the Superintendent. While he discussed the applicant with the Superintendent, there was no disagreement over the applicants and the actual authority of the Assistant Manager cannot be determined from that isolated instance. Similarly, although the Superintendent and the Assistant Manager each contended that the Assistant Manager has the authority to impose discipline, it was conceded that he has never issued a reprimand of any type to an employee. The authority of the Assistant Manager with regard to hiring and disciplining is therefore largely entirely speculative. The Superintendent conceded that the Assistant Manager did not possess the authority to hire or fire any employee and,

while the Superintendent stated that he had great confidence in the Assistant Manager's judgment, it is clear that the Superintendent would review disciplinary measures taken by the Assistant Manager in his absence. The authority possessed by the Assistant Manager is not inherent in the position, but has been delegated to the incumbent by the Superintendent because of Mr. Thom's personal attributes and the Superintendent's high opinion of him personally. The Assistant Manager does have the authority to direct the work force in the Superintendent's absence, but it was conceded that the other operators at the Treatment Plant generally follow an established routine in performing their daily tasks. In summary, the Assistant Manager's supervisory functions form a de minimus portion of his overall responsibilities, and the record establishes that he is a lead worker entitled to inclusion in the bargaining unit.

V. The Request for Exclusive Jurisdiction Over the Street Department Equipment

The Operating Engineers have requested "that all equipment listed in the agreement between the City of Rice Lake Street Department and the International Union of Operating Engineers, Local No. 139, be excluded from any agreement which AFSCME might negotiate with the City of Rice Lake." 3/ The Commission deems this to be a request for exclusive jurisdiction over the operation of Street Department equipment for the existing Operating Engineers unit in said department. Granting such a request would effectively amend the unit description for the Streets Department bargaining unit which was certified by the Commission in Decision No. 14843 (8/13/78). That IUOE unit description reads as follows:

"All equipment operators, truck drivers, and other employes of the City of Rice Lake Street Department, excluding office clericals and supervisors . . ." City of Rice Lake (Street Department), No. 14843.

Were the Commission to grant the Operating Engineers request, the unit would be defined by the equipment in the department, rather than the work force employed therein. Such an amendment is not appropriately made in a proceeding to determine the appropriate unit for the currently unrepresented employes of the City. The Commission therefore denies the request of the Operating Engineers for an order restricting the scope of the work that may be performed by members of the bargaining unit established herein.

Dated at Madison, Wisconsin this 30th day of June, 1983.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Gary L. Covelli  
Gary L. Covelli, Commissioner  
Marshall L. Gratz  
Marshall L. Gratz, Commissioner

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3/ Brief of the Operating Engineers, dated March 18, 1983.