

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of
MILWAUKEE DISTRICT COUNCIL 48,
AFSCME, AFL-CIO
Involving Certain Employees of
CITY OF WAUWATOSA

Case LXX
No. 3080 ME-2154
Decision No. 21145

Appearances:

Podell, Ugent & Cross, S.C., Attorneys at Law, 207 East Michigan Street, Milwaukee, WI 53202 by Ms. Nola J. Hitchcock Cross, and Mr. Earl R. Gregory, Staff Representative, District Council 48, 3427 West St. Paul Avenue, Milwaukee, Wisconsin 53208 appearing on behalf of the Union.
Lindner, Honzik, Marsack, Hayman & Walsh, S.C., Attorneys at Law, 700 North Water Street, Milwaukee, Wisconsin 53202 by Mr. Donald J. Cairns, and Mr. David Moore, Employee Relations Director, City of Wauwatosa, 7725 West North Avenue, Wauwatosa, WI 53213 appearing on behalf of the Municipal Employer.

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DIRECTION OF ELECTION

Milwaukee District Council 48, AFSCME, AFL-CIO, having on October 29, 1982, filed a petition requesting the Wisconsin Employment Relations Commission to conduct an election among all regular full-time and regular part-time white collar employees, excluding supervisory, student, seasonal, craft, professional and managerial employees employed by the City of Wauwatosa to determine whether said employees desire to be represented for the purpose of collective bargaining by said Union; and hearing in the matter having been conducted in Wauwatosa, Wisconsin on January 7, February 15 and February 16, 1983, by Coleen A. Burns, an Examiner on the staff of the Commission; and the record having been closed on April 26, 1983 upon receipt of the stenographic transcript of the proceedings and of written briefs of the parties; and the Commission having considered the evidence and the arguments of the parties and being fully advised in the premises, makes and issues the following Findings of Fact, Conclusions of Law and Direction of Election.

FINDINGS OF FACT

1. That Milwaukee District Council 48, AFSCME, AFL-CIO, hereinafter Union, is a labor organization with offices at 3427 West St. Paul Avenue, Milwaukee, Wisconsin.
2. That the City of Wauwatosa, hereinafter City, is a municipal employer with offices at 7725 West North Avenue, Wauwatosa, Wisconsin.
3. That the Union initiated the instant proceeding by filing a petition requesting the Wisconsin Employment Relations Commission to conduct an election among all regular full-time and regular part-time white collar employees employed by the City of Wauwatosa, excluding supervisory, student, seasonal, craft, professional and managerial employees.
4. That the Union in support of its position claims that the supervision, work site, hours and working conditions of library employees differ from those of other City employees and that the Library Board oversees the Library and participates in hiring and, therefore, Library employees lack a community of interest with other City employees; that the Library Artist, Technical Services Assistant and Librarians are professional employees; that the Senior Circulation Clerk and Technical Services Assistant are supervisory employees; that part-time student Shelves are casual, non-clerical employees who lack a community of interest with other library employees; that the Adult Circulation Clerks, Circulation Attendants, Serials Clerk, Technical Services Clerk and Technical Services Aide are part-time, non-civil service, "extra-help" employees, lacking a

community of interest with other City employees; and that, therefore, all of the aforesaid employees should be excluded from the collective bargaining unit sought in the instant petition.

5. That the Union seeks to exclude from the unit the following Library employees:

<u>Status 1/</u>	<u>Incumbent</u>	<u>Position</u>	<u>Basis for Exclusion 2/</u>
P.T.	Vancos, Catherine	Catalog Librarian	Professional
	Balcken, Frances M.	Childrens Serv. Libr.	Supervisory
	Rosenbecker, Arlene	Adult Ref. Librarian	Professional
	Gettelman, John	Asst. Libr. Director	Supervisory
	Garrot, Leslie Ruth	Tech. Serv. Librarian	Supervisory
P.T.	Specht, Elizabeth	Library Secretary	
	Erwin, Margaret	Adult Ref. Librarian	Professional
	Klausmeier, Barbara	Library Artist	Professional
P.T.	Goller, Gloria J.	Adult Ref. Librarian	Professional
	Zimmerman, Marion	Adult Cir. Clerk	
	Steenweg, Dolores L.	Tech. Serv. Assistant	Professional/ Supervisory
	Bugni, Janet L.	Info. Serv. Librarian	Professional
	McGowan, Margaret	Library Director	Supervisory/ Managerial
P.T.	Hoppe, C. Patricia	Circulation Attdant.	
	Vonrohr, Jean Ann	Childrens Prog. Libr.	Professional
	Dudek, Margaret M.	Circulation Superv.	Supervisory
P.T.	McArthur, Jeanette F.	Tech. Serv. Clerk	
P.T.	Handy, Sue Ellen	Circulation Attdant.	
P.T.	Swanson, Berit N.	Adult Cir. Clerk	
P.T.	McArthur, Catherine M.	Library Shelver	Casual
P.T.	Polzin, Linda J.	Circulation Attdant.	
P.T.	Fennig, Judith M.	Library Shelver	Casual
	Huffman, Edythe S.	Adult Ref. Librarian	Professional
	Hagedorn, Doris E.	Childrens Cir. Clerk	
P.T.	Wehrley, William T.	Library Shelver	Casual
P.T.	Horne, Mary R.	Circulation Attdant.	
	Zizzo, Barbara A.	Senior Cir. Clerk	Supervisory
	Frankfurth, Mary H.	Child. Ref. Librarian	Professional
P.T.	Hunley, Julie H.	Tech. Services Aide	
P.T.	Koenig, Timothy P.	Library Shelver	Casual
P.T.	Zale, Elaine	Circulation Attdant.	
P.T.	Mullooly, James J.	Library Shelver	Casual
P.T.	Fisher, Roxanne H.	Library Shelver	Casual
P.T.	Hida, Catherine A.	Library Shelver	Casual
P.T.	Vint, Joanna L.	Library Shelver	Casual
P.T.	Laatsch, Debra A.	Serials Clerk	
P.T.	Zimmermann, Marion	Adult Circulation Clerk	
P.T.	Swanson, Berit	Adult Circulation Clerk	

6. That the Union and the City agree that of the above-named Library employees, the following are appropriately excluded from the bargaining unit sought herein:

<u>Incumbent</u>	<u>Position</u>	<u>Basis for Exclusion</u>
Balcken, Francis M.	Children's Serv. Librarian	Supervisory
Gettelman, John	Asst. Libr. Director	Supervisory
Garrot, Leslie Ruth	Tech. Serv. Librarian	Supervisory
McGowan, Margaret	Library Director	Supervisory/ Managerial
Dudek, Margaret M.	Circulation Supervisor	Supervisory

1/ All positions full-time unless P.T. (part-time) is indicated.

2/ All employees are to be excluded on the basis that they lack community of interest with other City employees. This column will note any additional basis for exclusion.

7. That the Union agrees that, in the event the Commission concludes the Library employes are appropriately included in the unit, the following employes are appropriately included in the unit:

<u>Incumbent</u>	<u>Position</u>
Specht, Elizabeth	Library Secretary
Hagedorn, Doris E.	Children's Cir. Clerk

8. That the City asserts that, except for the employes and positions set forth in Finding 6, supra, library employes are appropriately included in the unit.

9. That the Union, contrary to the City, contends that the following positions should be excluded from the unit:

<u>Incumbent</u>	<u>Position</u>	<u>Basis for Exclusion</u> 3/
Kowald, Roger B.	Sr. Sys. Oper. Analyst	Supervisory
Beyer, Warren W.	Drafting Technician	Technical
Beauchamp, Lawrence	Engineering Tech. 4 (Office)	Technical
Laabs, Gregory A.	Associate Planner	Managerial/ Technical/ Professional
Gorski, Joseph D.	Sanitarian 3	Supervisory/ Craft
Meske, Mark J.	Sanitarian 2	Craft
Johnson, Robert	Electrical Inspect.	Craft
Knapp, Lloyd D.	Electrical Inspect.	Craft
Conway, Charles P.	Plumbing Inspec. 1	Craft
Reichartz, Donald M.	Plumbing Inspec. 2	Craft
Kitt, Ervin	Building Inspector	Craft
Wheaton, David M.	Building Inspector	Craft
Bulin, Thomas	Fire Inspector	
Novara, Thomas M.	Fire & Bldg. Code Sp.	
Roberts, Terrance	Fire & Bldg. Code Sp.	
Ott, Marion L.	Fire Secretary	Confidential
Linnen, Charles F.	Spec. Officer - Court	

10. That the City, contrary to the Union, contends that Keith Hickles, the employe occupying the position of Real and Personal Property Technician, is a professional employe and, therefore, should be excluded from the unit.

11. That the City and the Union agree that the non-Library positions set forth in Appendix A are appropriately excluded from the unit; and that the non-Library positions set forth in Appendix B are appropriately included in the unit.

APPENDIX A (Undisputed Exclusions)

CITY ADMINISTRATOR'S OFFICE

<u>Incumbent</u>	<u>Position</u>	<u>Basis for Exclusion</u>
Little, James W.	City Administrator	Managerial
Scheifen, Phyllis J.	Admin. Secretary	Confidential
Erickson, Charles E.	Admin. Intern	Managerial

3/ All employes, except Kowald, are to be excluded on the basis that they lack a community of interest with other City employes. This column will note any additional basis for exclusion.

CITY ATTORNEY'S OFFICE

<u>Incumbent</u>	<u>Position</u>	<u>Basis for Exclusion</u>
Gehrke, Harold D. Zauner, Sally W.	Attorney Legal Secretary	Professional Confidential

CITY CLERK'S OFFICE

<u>Incumbent</u>	<u>Position</u>	<u>Basis for Exclusion</u>
Storma, William E. Donovan, Catherine Neuman, James R.	Custodial Supervr. Deputy City Clerk City Clerk	Supervisory Confidential Managerial/ Supervisory
Blank, Elsie W.	Custodial Worker 1	305 4/
Wegner, Jerome C.	Custodian 2	305
Morgan, Donald R.	Custodian 2	305
Twinem, Dale R.	Custodial Worker 2	305
Gitzlaff, Kenneth Otto	Custodial Worker 2	305

CITY COMPTROLLER'S OFFICE

<u>Incumbent</u>	<u>Position</u>	<u>Basis for Exclusion</u>
Tjensvold, Lambert	Comptroller	Managerial/ Supervisory

DATA PROCESSING

<u>Incumbent</u>	<u>Position</u>	<u>Basis for Exclusion</u>
Daveley, Ronald P.	Mgr. Info Systems	Managerial/ Supervisory

CITY TREASURER

<u>Incumbent</u>	<u>Position</u>	<u>Basis for Exclusion</u>
Vanselow, Harold A.	Treasurer	Managerial/ Supervisory

CITY ASSESSOR

<u>Incumbent</u>	<u>Position</u>	<u>Basis for Exclusion</u>
Perkins, Almer G.	Assistant Assessor	Managerial/ Supervisory
Meggison, Gordon A. Jr.	Assessor	Managerial/ Supervisory

4/ Represented by Local 305, District Council 48, AFSCME, AFL-CIO.

PURCHASING

<u>Incumbent</u>	<u>Position</u>	<u>Basis for Exclusion</u>
Proddehl, William J. Grau, Robert L.	Purchasing Agent Stock Clerk	Supervisory 305

PERSONNEL AND EMPLOYMENT RELATIONS

<u>Incumbent</u>	<u>Position</u>	<u>Basis for Exclusion</u>
Petroll, Peter Jr.	Personnel Director	Managerial/ Supervisory
Moore, David P.	Empl. Relations Dir.	Managerial/ Supervisory
Eve, Catherina F. Eder, Kathleen	Personnel Clerk Clerk 1	Confidential Confidential

ENGINEERING

<u>Incumbent</u>	<u>Position</u>	<u>Basis for Exclusion</u>
Balogh, Kenneth F.	Civil Eng. 3 (Field)	Professional/ Supervisory
Rozmus, Gordon	Planning Administrator	Managerial/ Supervisory
Hoppe, Fred J.	Operations Administrator	Managerial/ Supervisory
Young, S. Howard	Engineering Administrator	Managerial/ Supervisory
	Civil Engineers 2, 3 & 4 Engineering Techs. 2, 3 & 4	Professional 305

HEALTH

<u>Incumbent</u>	<u>Position</u>	<u>Basis for Exclusion</u>
Casanova, Betty Jean	Nursing Director	Professional/ Supervisory
	Public Health Nurses 1 & 2	Professional

BUILDING ADMINISTRATION

<u>Incumbent</u>	<u>Position</u>	<u>Basis for Exclusion</u>
Post, William	Bldg. Reg. Administrator	Managerial/ Supervisory

PARKS

<u>Incumbent</u>	<u>Position</u>	<u>Basis for Exclusion</u>
Haas, Richard T.	Park/Forestry Superintendent (All other employees in Local 305)	Supervisory

FORESTRY

<u>Incumbent</u>	<u>Position</u>	<u>Basis for Exclusion</u>
Fitzsimmons, L.	Forestry Foreman (All other employees in Local 305)	Supervisory

PUBLIC WORKS

<u>Incumbent</u>	<u>Position</u>	<u>Basis for Exclusion</u>
Reuter, George	Street Superintendent	Supervisory
Mull, Clyde	Street Foreman	Supervisory
Michelz, Arthur	Street Foreman	Supervisory
	(All other employees in Local 305)	

ELECTRICAL MAINTENANCE

<u>Incumbent</u>	<u>Position</u>	<u>Basis for Exclusion</u>
Stingl, Roger W.	City Electrician (All other employees in Local 305)	Supervisory

MECHANICAL MAINTENANCE

<u>Incumbent</u>	<u>Position</u>	<u>Basis for Exclusion</u>
Devore, Don C.	Shop Foreman	Supervisory
Eskau, William	Shop Foreman	Supervisory
Greenwald, Richard	Shop Foreman	Supervisory
	(All other employees in Local 305)	

FIRE CLASSIFIED

<u>Incumbent</u>	<u>Position</u>	<u>Basis for Exclusion</u>
	Alarm Operators	494 5/
	Master Mechanic, Fire Equipment Mechanic	305

POLICE CLASSIFIED

<u>Incumbent</u>	<u>Position</u>	<u>Basis for Exclusion</u>
	Parking Specialists	305
	Crossing Guards and Crossing Guard Alternates	Seasonal, Irregular Part-time

POLICE CLASSIFIED (continued)

<u>Incumbent</u>	<u>Position</u>	<u>Basis for Exclusion</u>
Bressler, Rita	Police Secretary	Confidential
	Police Radio- Switchboard Operators	494
	Custodial Workers	305
	Laborer	305
Hoffman, Norman W.	Crossing Guard Supervisor	Supervisory

WATER

<u>Incumbent</u>	<u>Position</u>	<u>Basis for Exclusion</u>
Cloves, Arthur K.	Water Foreman	Supervisory
Ossanna, Walter A.	Water Division Superintendent	Supervisory
	(All other employees in Local 305)	

POLICE

All employees are either supervisory, managerial, or confidential or represented by Wauwatosa Professional Police-men's non-supervisory bargaining unit and lack a community of interest with other City employees.

FIRE

All employees are either supervisory or represented by Local 1923, IAFF and lack a community of interest with other City employees.

OFFICIAL

The Mayor, Alderman, Health Commissioner and Municipal Justices lack a community of interest with other City employees.

APPENDIX B
(Undisputed Inclusions)

CITY ADMINISTRATOR'S OFFICE

None

CITY ATTORNEY'S OFFICE

None

CITY CLERK'S OFFICE

<u>Status 6/</u>	<u>Incumbent</u>	<u>Position</u>
P.T.	Wiemann, Audrey	Clerk-Messenger
	Plautz, Hannah L.	Clerk-Steno 3
	Coulter, Elizabeth M.	Clerk-Steno 2
P.T.	Hora, Ila Mae	Clerk 1
P.T.	Freyer, La Verne May	Clerk 1
	Holmquist, Betty J.	Clerk-Steno 2
	Rondeau, Jacqueline E.	Clerk 2

6/ Full-time unless P.T. (part-time) is indicated.

CITY COMPTROLLER

<u>Status</u>	<u>Incumbent</u>	<u>Position</u>
P.T.	Malloy, Robert J. Richter, Ernst E. Dobratz, Audrey M. Loth, Albert N. Jr. Schlink, Judith E. Hayes, Joan M.	Accountant 2 Accountant 3 P/R Benefit Clerk Accountant 2 Acct. Clerk 1 Clerk-Steno 2

DATA PROCESSING

<u>Status</u>	<u>Incumbent</u>	<u>Position</u>
P.T.	Brayton, Jeanne M. McDowell, Judy A. Budnik, Sandra A.	Computer Oper. 1 Clerk 1 Data Entry Oper. 2

CITY TREASURER

<u>Status</u>	<u>Incumbent</u>	<u>Position</u>
P.T.	Augustine, Mildred R.	Clerk-Cashier 2
P.T.	Dumproff, Esther	Clerk 2
P.T.	Peters, Elvira L.	Clerk 1
	Huennekens, Bernice	Clerk 1
	Schmidt, J. Jill	Clerk-Cashier 3

CITY ASSESSOR

<u>Status</u>	<u>Incumbent</u>	<u>Position</u>
P.T.	Martinez, Sylvia Poker, Sarah J.	Clerk 1 Clerk 1

PURCHASING

<u>Status</u>	<u>Incumbent</u>	<u>Position</u>
P.T.	Bembenek, James J. Kebis, Linda Adrian, Laura	Buyer Purchasing Clerk Clerk 1

PERSONNEL AND EMPLOYMENT RELATIONS

None

ENGINEERING

<u>Status</u>	<u>Incumbent</u>	<u>Position</u>
	Nelson, Merle K. Voss, Rosemary H.	Clerk-Steno 3 Clerk-Steno 1

HEALTH

<u>Status</u>	<u>Incumbent</u>	<u>Position</u>
	Turzinski, Patricia	Dental Hygienist
P.T.	Marquardt, Fay A.	Health Clerk
P.T.	Gustafson, Susan M.	Clerk 1
	Neidert, Kathleen	Clerk 1

BUILDING ADMINISTRATION

<u>Status</u>	<u>Incumbent</u>	<u>Position</u>
P.T.	Meils, Ronna	Bldg. Reg. Clerk
	Fennig, Lucy M.	Clerk 1

PARK, FORESTRY, PUBLIC WORKS, ELECTRICAL
MAINTENANCE, MECHANICAL MAINTENANCE

None

FIRE CLASSIFIED

<u>Status</u>	<u>Incumbent</u>	<u>Position</u>
	Kotnik, Cathy	Fire Prev. Clk. - Tech.
	Shearer, Dorothy	Fire Op-Clerk

POLICE CLASSIFIED

<u>Status</u>	<u>Incumbent</u>	<u>Position</u>
P.T.	Kass, Beverly	Clerical Asst.
P.T.	James, Janice	Clerk 1
	Hovey, Margaret M.	Police Clerk
	Biedenbender, Leola	Police Clerk
	Schroeder, Gertrude	Clerk-Steno 1
	Witkowski, Mary F.	Clerk-Steno 1
	Bell, Joan M.	Police Clerk
	Hammerschmidt, Bonnie J.	Court Clerk 2
P.T.	Peebles, Kathleen E.	Crime Prevention Cl.
	Paap, Marilyn R.	Court Clerk 1
	Braun, Lynne T.	Pol. Personnel Tech.
	Sarandos, Dorothea	Clerk-Steno 1

WATER

None

POLICE

None

FIRE

None

12. That the Library Board consists of nine members appointed by the Mayor of Wauwatosa and is governed by Chapter 43, Wis. Stats.; that the Library Board interviews applicants for the position of Library Director and selects the applicant to fill said position; that the Library Director and her designees, and

not the Library Board, interview and select applicants for all other Library positions; that the Library Director submits her selections for Librarian positions to the Library Board for approval and the Library Board routinely approves her selections; that the Library Board does not approve the Director's selection of applicants for non-Librarian positions; that the Library Director, and not the Library Board, has responsibility for disciplining and discharging Library employees; that the Library Board budget is prepared by the Library Director, reviewed by the Library Board and approved by the City Council; that the Library Board has no taxing authority and the Library is funded by the City Common Council; that City Ordinances No. 0-81-111 and 0-82-69 establish the compensation for all City employees, including Library employees, who are not included in a collective bargaining unit; that fringe benefits such as paid vacation, sick leave, holidays and pension benefits are available to all non-represented part-time City employees, including Library employees, who complete the prerequisite minimum hours of service; that all full-time City positions, including full-time Library positions, are within the City civil service and applicants for such positions are required to take a competitive exam; that part-time City positions, including part-time Library positions, are excluded from civil service and are not subject to the competitive exam requirement; that the Library is open to the public 9:00 a.m. to 9:00 p.m., Monday through Thursday, and 9:00 a.m. to 5:00 p.m., Friday and Saturday from September through May; that during June through August, the hours are 9:00 a.m. to 9:00 p.m., Monday through Thursday, 9:00 a.m. to 5:00 p.m. on Friday and 9:00 a.m. to 1:00 p.m. on Saturday; that the vast majority of Library employees work Saturdays and evenings; that the Library is part of the Wauwatosa Civic Center which also includes the Memorial Building and the City Hall; that all three sections of the Civic Center are connected by a walkway or corridor; and that the Library has a lunch room and break area for employees which is separate from that area for City Hall employees.

13. That the Library Artist prepares exhibits and displays, informational signs, posters and graphics for brochures and flyers; that Adult Reference Librarians respond to requests for reference information, suggest reading material, instruct the public in the use of reference sources, and promote the use of library materials and services by presenting programs and preparing reading lists and displays; that the Catalog Librarian responds to reference information requests, instructs the public in the use of Library resources, and, catalogs and classifies non-fiction books; that catalog and classification involves the assignment of a Dewey decimal number to a book; that the Dewey decimal number indicates the subject matter of the book; that the Catalog Librarian establishes the book's subject matter by skimming the book; that the Dewey decimal number is selected by referring to the Library shelf list to determine the classification of books on that subject matter presently included in the Library's collection and by referring to the Dewey decimal system index; that cataloging and classification can be learned in library course work, by reading a book on the subject, or on-the-job training; that the Information Services Librarian assists the Assistant Director in the preparation, publicity, and presentation of Adult Library programs, but does not determine program content; that the Information Services Librarian coordinates educational network programming, i.e., accepts registrations, distributes materials, and schedules use of Library facilities; that educational network programming is a service provided by the University of Wisconsin Extension and consists of delivering educational programs via a telephone relay system; that the Information Services Librarian programs messages approved by the City Administrator for broadcast on the municipal cable television channel; that the Information Services Librarian responds to requests for information on the use of Library facilities and provides reference information; that the Children's Programming Librarian devotes approximately fifty percent of her time to secretarial duties such as typing reading lists and pre-school program materials; that the Children's Programming Librarian also answers reference questions, provides reader guidance, charges and discharges library materials, arranges returned materials for shelving and prepares and presents children's library programs; that the Children's Reference Librarian answers reference questions, provides reader guidance, instructs the public in the use of library facilities, prepares reading lists, assists the public with book selection, and presents programs; that each librarian, except the Children's Programming Librarian, is assigned a section of the Library and is responsible for reviewing publications pertaining to that area and for recommending books to be purchased in that area; that final approval of recommended book purchases rests with the Library Director and Assistant Library Director; that Adult Reference Librarians in charge of pamphlets and the historical file have the authority to purchase said materials without further approval as long as they do not exceed the amounts budgeted for such expenditures; that each Librarian, except the Children's Programming Librarian, is responsible for

"weeding" books in his/her assigned area; that "weeding" involves the removal of books which are used infrequently; that those books which the individual Librarian deems to be indispensable to the collection are retained even if infrequently used; that the Technical Services Librarian and the Library Director have the right to return any "weeded" books to the shelf; that occupants of the positions of Reference Librarian, Catalog Librarian and Information Services Librarian must possess a Bachelor's degree in one of the liberal arts, but are not required to have any additional education, experience or training; that a Bachelor of Arts degree is preferred, but not required, for the positions of Library Artist and Children's Programming Librarian; that Librarians are not required to obtain or maintain any license or certificate; that of the Librarian positions in dispute, the greatest salary is received by the Catalog Librarian, \$396.22 per week; that the Catalog Librarian has reached her schedule maximum; that the positions of Real and Personal Property Technician, Buyer and Dental Hygienist, positions which the Union has agreed to include in the unit, each have a schedule maximum which is within \$15.00 per week of the Catalog Librarian; the pay of the remaining contested Librarian positions range from the \$287.31 per week entry level of the Children's Programming Librarian to the \$360.35 per week maximum of the Information Services Librarian; and that employees whom the parties have agreed to include in the unit have comparable wages, i.e., the entry level wage of the Clerk Stenographer III is \$298.34 per week and the maximum of the Computer Operator I is \$360.91 per week.

14. That Library Shelves replace books on shelves, correctly shelve misplaced books, reposition library material as directed, and charge and discharge library material; that Shelves' work schedules range from four hours per week to thirty-two hours per week; that the Senior Circulation Clerk, Adult Circulation Clerk, Children's Circulation Clerk and Circulation Attendants charge and discharge library material, register borrowers for library cards, compute fines, answer questions regarding circulation procedures, operate the library switchboard, and arrange materials on shelving carts; that the Senior Circulation Clerk also counts and records library revenues and trains and directs the work of Shelves; that the Senior Circulation Clerk does not have authority to hire, evaluate, assign overtime, promote or discharge library employees; that the Senior Circulation Clerk has the authority to correct the behavior of Shelves, but not to reprimand for unsatisfactory job performance; that when the Circulation Supervisor is absent, the Senior Circulation Clerk has the authority to approve changes in Shelves work hours; that in addition to the duties set forth above, the Adult Circulation Clerk also maintains and monitors overdue book records; that the Library Secretary performs secretarial duties for the Library Board and the Director, keeps Library accounts, prepares financial and statistical reports, audits time cards, monitors part-time employee salary expenditures, maintains the petty cash fund, prepares cash deposits, maintains the copy machine and orders supplies; that in addition to the duties set forth above, the Children's Circulation Clerk prepares and posts the Circulation Department work schedule established by the Circulation Supervisor, directs the work of Circulation Attendants, maintains circulation records and verifies computer printouts of overdue books; that the Serials Clerk processes periodical purchase orders, receives and shelves periodicals, updates the periodical holdings list, sorts and distributes mail, verifies invoices, types and files catalog cards and book orders, and repairs books; that the Technical Services Assistant, who is required to have a high school diploma, prepares, types and files catalog cards, classifies fiction according to whether it is a mystery, science fiction, western or other; prepares a file card for the shelf list if the author is not presently included in the shelf list, maintains the standing order file which lists books which are published periodically and automatically purchased by the Library, withdraws shelf list cards after the Library has discarded the book referenced by the shelf card, compiles statistics regarding number of books purchased and their subject area, distributes work to the Technical Services Aide and instructs the Aide in the proper performance of her duties; that the Technical Services Assistant does not have the authority to hire, promote, discipline, assign hours of work or overtime or discharge the Technical Services Aide; that the Technical Services Aide types book labels and affixes covers to books; and that the Technical Services Clerk types and files catalog cards and book orders, verifies materials received, checks accuracy of invoices and assists at the Circulation Desk.

15. That all Library employees are hired to work a specific number of hours per week; that the actual days worked fluctuates as a result of such factors as summer Library hours, the requirement that most employees rotate Saturday work, vacations and employee illness; that the Technical Services Aide works twelve hours

per week, but has the right to determine which days she will work, except she cannot work more than eight hours in one day; that as of September 20, 1982, the part-time employee hours ranged from four hours per week for Sue Handy to thirty-two hours per week for Jeannette McArthur; that part-time employees who are students generally leave their employment upon graduation, but are not required to do so; that Catherine McArthur, a part-time Library employee, has completed the 2,000 minimum hours of service required to receive fringe benefits; that the part-time Library Artist has an entry salary of \$6.88 per hour and a maximum salary of \$7.28 per hour; that the part-time Adult Reference Librarian pay range is from \$8.00 to \$8.90 per hour; that part-time employees in other Departments receiving comparable wages are the Clerk-Stenographer II, \$6.68 per hour to \$7.49 per hour, and the Computer Operator, \$8.16 per hour to \$8.97 per hour.

16. That the regular hours of City Hall employees are 8:00 a.m. to 5:00 p.m., Monday through Friday, that the Parks, Forestry, Public Works, Electrical Maintenance, Mechanical Maintenance, Fire and Police Departments are not located within the Civic Center; that the Fire Prevention Bureau, and offices of the City Administrator, City Attorney, City Clerk, City Comptroller, Data Processing, City Treasurer, City Assessor, Purchasing, Personnel and Employment Relations, Engineering, Health and Building Administration, are located within the City Hall; that the Water Department has offices in the City Hall, as well as facilities outside of City Hall; and that the existing City collective bargaining units are Local 305, AFSCME, AFL-CIO, representing primarily blue collar and technical employees; Local 1923, IAFF, representing firefighters; Local 494, IBEW, representing alarm and radio-switchboard operators; and the Wauwatosa Professional Policemen's non-supervisory unit.

17. That the Fire Secretary is the secretary to the Fire Chief and is located at Fire Station No. 1 which is not connected to the Civic Center Complex; that her hours of work are 8:00 a.m. to 4:30 p.m.; that she prepares requisitions, enters disbursements in the budget book, notifies the Fire Chief if disbursements exceed the budget, authorizes routine expenditures, assists the Chief in the preparation of the Fire Department budget, opens and reads all mail received by the Fire Chief, except mail marked private, personal or confidential, types grievance responses, Departmental correspondence and memos, and prepares monthly and annual reports regarding Department activity and expenditures; that she has access to notes taken during employment and promotional interviews, employee evaluations, employee medical records, personnel files, job applicant files containing a police record report, medical records and employment history, and the Chief's confidential file; that citizen complaints which the Chief deems to be serious are brought to the attention of the affected employee and may be placed in the employee's personnel file; that citizen complaints not placed in the employee's personnel file are placed in the Chief's confidential file; that employees have access to their own evaluations, medical records and personnel files; that notes taken during employment and promotional interviews which impact upon the individual's future employment are placed in the employee's personnel file; that the Chief's confidential file cannot be inspected by Department employees; that the Fire Secretary does not attend grievance meetings, collective bargaining sessions or employment interviews and does not type or cost collective bargaining proposals; that she prepares that portion of the budget which sets forth employee compensation; that if the labor contract is not settled prior to the preparation of the budget, she inserts current wages into the budget; that the Fire Chief discusses with the Fire Secretary matters relating to citizen complaints, hiring, promotions and disciplinary problems; that the Chief's discussions with the Fire Secretary include discussions of alternative disciplines being considered; that these discussions are also concerned with providing the Secretary with information needed to type grievance responses, letters offering or denying employment, Department bulletins, and letters awarding or denying promotions; and that a copy of all such typewritten material is available to the Union or the affected employee.

18. That the Special Officer-Court works Monday and Wednesday; that he starts at 3:00 p.m. and averages seven to nine hours per week; that he performs work at both the City Police Department and the Municipal Court; that his work at the Police Department occupies from a half hour to an hour and twenty minutes per court day; that a Police Sergeant supervises his work at the Police Department; that the Municipal Judge supervises his work at the Municipal Court; that the Municipal Court is located within City Hall; that he wears a Special Officer's uniform which differs from that of City Police Officers; that he has taken an oath of office but does not have the power of arrest; that he wears a badge but does

not carry a weapon; that his duties include transporting evidence and court materials between the courtroom and the Police Department, maintaining courtroom security, setting up the courtroom, obtaining cash for making change, scheduling police officer appearances, entering case dispositions on Police Department records, and escorting defendants in the courtroom; that he submits his vacation requests to Police Lieutenant Simmons; that in his absence, his duties are performed by a City Police Officer; and that City Crossing Guards are also Special Officers.

19. That Kowald, the Senior System and Operations Analyst, is in the Data Processing Department and is supervised by Ronald Davely, Manager of Information Systems; that Davely has responsibility for hiring, evaluating, disciplining and firing Data Processing employees; that Kowald is asked to review and comment on the files of job applicants; that the one employee who has been hired during the past twelve months was not the employee recommended by Kowald; that Kowald has the authority to distribute work to Judy McDowell (Clerk 1), Sandra Budnik (Data Entry Operator 1), and Jeanne Brayton (Computer Operator 1); that Kowald instructs these employees in the proper use of equipment and proper data entry and retrieval procedures; that Kowald has requested Davely to discipline Department employees; that Davely has not always acquiesced in Kowald's requests; that upon receipt of a request for computer programming, Kowald consults with City personnel to determine informational needs, prepares a computer program to meet those needs and tests the program to ensure that it produces the desired information; that Kowald has the authority to determine the order in which programs are run; that Kowald oversees operations to ensure the most efficient use of computer time; that Kowald operates the computer when necessary to meet production schedules; and that Kowald works from 10:00 a.m. to 6:30 p.m., Monday through Friday.

20. That the Drafting Technician and Engineering Technician 4 (Office) work in the Engineering Department; that the occupant of the Drafting Technician position is required to have a high school diploma and a minimum of two years paid experience in engineering drafting; that the duties of a Drafting Technician include drawing and modifying maps and construction plans from notes and surveys made by others, copying drawings and plans of others, indexing and filing plans and drawings, and operating a print machine; that the occupant of the Engineering Technician 4 (Office) position is required to have a high school diploma or technical school courses in drafting and mathematics plus four years of paid, full-time experience in engineering drafting or two years of civil engineering education and two years of engineering drafting experience; that the Engineering Technician 4 (Office) has less direct supervision than the Drafting Technician and drafts maps and plans requiring greater technical skill than those prepared by the Drafting Technician; and that the Engineering Technician 4 (Office) administers the City housing numbering system, retrieves information from Departmental files, and responds to informational requests from the public; that with the approval of the City Engineering Administrator or project Engineer, the Drafting Technician and the Engineering Technician 4 (Office) may make a field examination of the property or facility being drawn; that the Engineering Technician 4 (Office) will, once or twice a year, conduct a field survey; that the Technician 4 (Office) occasionally monitors a field project to ensure that the contractor is following City specifications; that last summer the Engineering Technician 4 (Office) devoted approximately three days to monitoring a field project; and that the Department has Engineering Technicians 4 represented by Local 305, AFSMCE, AFL-CIO who are in the field twelve months per year surveying and gathering data for use in the preparation of plans and specifications for City projects.

21. That the Associate Planner works in the City Planning Office located in the City Hall; that he devotes the majority of his work time to responding to requests for information on zoning regulations and community land use; that he gathers population, housing and land use information from census reports and on-site inspections, prepares land use and community development plans, reports and charts for City officials, prepares agendas, maps and materials for use by the City Plan Commission, drafts maps, designs street scaping, landscaping and parking lots, encourages development and suggests and designs possible property improvements; that his designs for City improvements are forwarded to the City Engineering Department which has responsibility for transforming the design into a construction plan; that the Associate Planner has a high school degree and drafting experience; that his office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday; and that his salary range of \$447.91 to \$487.89 does not differ materially from that of the Accountant 2, \$411.74 to \$473.43, whom the parties agree is appropriately included in the unit.

22. That the Electrical Inspectors, Building Inspectors and Plumbing Inspectors 1 and 2 are located in the Department of Building Administration in the City Hall; that the Inspectors work Monday through Friday with office hours 8:00 a.m. to 9:00 a.m., and 1:00 p.m. to 2:00 p.m.; that the Inspector's field hours are 9:00 a.m. to 12:00 p.m. and 2:00 p.m. to 4:00 p.m., except that Charles Conway, Plumbing Inspector 1, is a part-time employe, who works twenty hours per week and is normally scheduled to work 8:00 a.m. to 12:00 p.m., Monday through Friday; that Robert Johnson, Electrical Inspector, is a journeyman electrician; that Lloyd Knapp, Electrical Inspector, has an electrical contractor's license and has training and experience which is equivalent to, if not superior to, that of a journeyman electrician; that the prerequisite for the Electrical Inspector position is six years' experience as a journeyman or master electrician; that equivalent specialized education may be substituted for some of the experience; that Electrical Inspectors inspect electrical wiring to ensure compliance with State and City codes, review and approve applications for electrical construction permits, investigate citizen complaints, answer information requests, and render advice on proper electrical wiring procedures; that Johnson also performs the administrative work for the Board of Electrical Examiners which has responsibility for licensing electricians and granting variances from the electrical code; that Charles Conway, Plumbing Inspector 1 is a master plumber, and Donald Reichartz, Plumbing Inspector 2 is a journeyman plumber; that both Plumbing Inspectors inspect plumbing to ensure compliance with State and City plumbing codes; investigate complaints, respond to information requests, review and approve sewer and plumbing construction permits, and prepare reports; that the Plumbing Inspector 1 has primary responsibility for well inspections; that the Plumbing Inspector 2 assigns work to the Plumbing Inspector 1, but does not have authority to hire, evaluate, promote or discharge the Plumbing Inspector 1 or to assign overtime without prior approval from the Building Regulations Administrator; that the Building Inspectors, Ervin Kitt and David Wheaton, are journeyman carpenters who examine plans and blueprints, inspect buildings to ensure compliance with building codes and zoning ordinances, conduct routine building and zoning interviews and investigate and respond to zoning and land use complaints; that the prerequisites for the position of Building Inspector are either (1) a high school diploma, coursework in construction technology, engineering, architecture or closely related field, and, four years' experience as a building inspector or five years' experience as a journeyman with supervisory experience in the building trades, or, (2) a college degree in engineering, architecture, construction administration, or closely related field; that a suitable combination of training and experience may also be considered; that the prerequisites for the position of Plumbing Inspector are a high school diploma or equivalent, six years' experience as a journeyman plumber, possession of a journeyman plumber's license and a valid Wisconsin driver's license; and that previous experience as a Plumbing Inspector is an acceptable substitute for the required experience as a journeyman plumber on a year-for-year basis.

23. That Joseph Gorski, Sanitarian 3, and Mark Meske, Sanitarian 2, work in the Health Department located in City Hall; that both positions require a State certificate of registration as a Sanitarian or eligibility therefore; that the Sanitarian 3 position requires a college degree in biological sciences, the physical sciences, or sanitary engineering and three years' experience in environmental sanitation or a closely related field; that an equivalent combination of training and experience may be substituted for the college degree and training in laboratory technique required for the Sanitarian 2 position; that the Sanitarian 3 works a forty-four hour week, 7:40 a.m. to 12:00 p.m. and 12:30 p.m. to 5:00 p.m. of which time approximately five hours a day are spent in the field; that the Sanitarian 2 works forty hours per week; that the Sanitarian 3 attends employment interviews of applicants for Sanitarian positions for the purpose of asking questions, but does not determine which applicant is to be hired; that the Sanitarian 3 does not evaluate employes, but does report performance problems to the Health Commissioner; that three or four times in the past twenty years the Sanitarian 3 has effectively recommended to the Health Commissioner that an employe be disciplined; that three or four times in the past twenty years the Sanitarian 3 has effectively recommended that an employe be promoted; that the Sanitarian 3 devotes approximately one hour a day to assigning work to the Sanitarian 2 and reviewing the work of the Sanitarian 2; that the reviewing of work primarily involves discussing the health problems noted in the reports; that ten percent of the workload of the Sanitarian 2 is assigned by the Sanitarian 3; that the remaining ninety percent of the workload of the Sanitarian 2, restaurant inspection work, is automatically performed by the Sanitarian 2; that the decision to assign restaurant inspection work to the Sanitarian 2 was made jointly by the

Health Commissioner and the Sanitarian 3; that the Sanitarian 3 does not have the authority to grant overtime; that the Sanitarian 2 has the authority to issue citations, but has not done so to date and would not do so without the approval of the Sanitarian 3; that Sanitarians 2 and 3 inspect establishments which sell or serve food and beverage to ensure compliance with health codes, recommend improvements in the storage and processing of food and beverage, condemn food and beverage unfit for human consumption, inspect residential and commercial refuse disposal facilities and sanitary sewers, inspect public buildings and swimming pools, and conduct rodent elimination campaigns; that the Sanitarian 2 has primary responsibility for restaurant inspection; that the Sanitarian 3 has primary responsibility for responding to citizen complaints, animal bite complaints, and housing and motel inspection; that the Sanitarians share vending inspection duties; that the Sanitarians are responsible for advising the public of any code violations and corrections to be made; and that the Sanitarians use radiation meters, thermometers, sound meters, light meters, and cameras.

24. That Thomas Bulin, Fire Inspector, and Thomas Novara and Terrance Roberts, Fire and Building Code Specialists, have their offices in the Fire Prevention Bureau, City Hall; that the Fire Inspector and the Fire and Building Code Specialists inspect smoke detectors, fire alarms, sprinkler systems, storage tanks, fireplaces and building premises to ensure compliance with fire safety codes, investigate fires of undetermined and suspicious origin, investigate false alarms and bomb threats, review building, alarm, and sprinkler plans, investigate citizen complaints regarding fire safety, issue permits for blasting, cutting and welding, sprinkle installations, hood extinguishing systems, smoke detectors, fireplaces, storage tank installations, supervise hydrant and pump flow tests, issue citations where necessary, and, conduct fire prevention classes; that the Fire Inspector is in charge of the Department in the absence of the Chief Fire Inspector; that the Fire Inspector, prepares safety reports and personnel activity reports; that the Fire Inspector, the Chief Fire Inspector and the Fire and Building Code Specialists rotate twenty-four hour on-call duty; that the Fire Inspector and Fire and Building Code Specialists work 8:00 a.m. to 5:00 p.m. and spend approximately six hours per day in the field; that they wear a uniform consisting of blue slacks, jacket and tie, white shirt and badge; that the uniform is different from that of firefighters; that when asked by the Fire Chief or Chief in Charge to respond to a fire call to determine the cause, the Fire Inspector and Code Specialists wear the same gear as City firefighters, including respirators; that the Chief Fire Inspector, a member of the City Fire Department, is the immediate supervisor of the Fire Inspector and the Code Specialists, that the Fire Inspector and Code Specialists are subject to the rules and regulations of the Fire Department; that the Fire Chief appointed the Fire Inspector; that the appointment was subject to the approval of the Fire and Police Commission; that the present Fire Inspector is the last employee to be so appointed; that future vacancies will be subject to City civil service competitive examination requirements; that the Fire and Building Code Specialists are civil service positions; and that the position of Fire Inspector has historically been excluded from the firefighters' collective bargaining unit. 7/

25. That Keith Hickles, Real and Personal Property Technician, works in the Offices of the City Assessor; that his primary responsibility is personal property assessment which involves reviewing personal property forms submitted by taxpayers to ascertain whether the forms are properly completed and calculating tax assessment based on values recorded on personal property forms; that in calculating the tax assessment, Hickles, using depreciation tables, depreciates the property and multiplies the balance by the local assessment ratio; that he also monitors construction activities to determine date of completion so that the added value can be assessed; that he confers with tenants and landlords for the purpose of determining which party should be taxed for improvements, but that such determinations are generally left to the parties; that he determines the value of improvements, such as garages, by referring to manuals which set forth values based on dimensions and construction material; that he performs field inspections to verify information submitted by taxpayers, and responds to taxpayer complaints regarding assessments; that he has the right to reassess the property if he determines that the taxpayer's complaint is justified; that he prepares maps, floor plans and drawings showing property ownership and use; that he has an Assessor 2 certificate issued by the Wisconsin Department of Revenue and an

7/ City of Wauwatosa, (10956-A) 6/72; City of Wauwatosa, (9911) 9/70.

Associate Degree in Property Assessment; that the prerequisites for the position are a bachelors degree with major coursework in appraising, engineering or business administration and two years' assessment and/or appraisal experience or an associated degree with a major in property assessment, plus two years of experience in municipal assessment and/or personal property appraisal and a valid Assessor 1 certificate; and that his wage scale of \$326.92 to \$384.62 does not differ materially from either the Dental Hygienist (\$342.93 to \$381.41) or the Buyer (\$333.42 to \$391.00), positions which the parties agree are appropriately included in the bargaining unit.

26. That the approximately forty-five Crossing Guards and Crossing Guard Alternates work when school is in session, generally late August through early June; that they are hired to work five days a week for approximately an hour each in the morning, at lunch and in the afternoon; that they stand on street corners and assist pedestrians across the street; that they do not perform any office work; that they receive their work assignments and supervision from the Crossing Guard Supervisor; that they are hired on a seasonal basis, but are allowed to return for the following season if they so request; that Crossing Guards are eligible for fringe benefits in the same manner as other non-represented part-time employees; that Crossing Guards are under the jurisdiction of the Police Department; that Police employees will perform Crossing Guard duties if no Crossing Guards are available; and that employees occupying the positions of Crossing Guard and Crossing Guard Alternate do not share a similarity of hours, working conditions, duties and skills with other employees in the unit.

27. That the positions of Technical Services Assistant, Senior Circulation Clerk, Senior Systems and Operations Analyst, and Sanitarian 3 do not exercise the indicia of supervisory status set forth in Sec. 111.70(1)(o) in sufficient combination and degree to warrant their exclusion from the unit as supervisory employees; that the occupant of the position of Associate Planner does not formulate or determine planning policy and does not have effective authority to commit the City's resources; and that the Fire Secretary has a de minimus exposure to confidential labor relations material.

28. That the duties of the positions of Electrical Inspector, Plumbing Inspectors 1 and 2, and Building Inspector require the occupants thereof to have the skills, knowledge and/or training of a journeyman craft employee and, therefore, the occupants of these positions are craft employees; and that the duties of the positions of Sanitarian 2 and Sanitarian 3 do not require that the occupants thereof have the skills, knowledge and/or training of a journeyman craft employee.

29. That the lack of common supervision and work place of the employees sought to be included in the white collar unit work in various Departments within and without the City Hall is insufficient to exclude Library employees, or any other employees, from the white collar unit; that with the exception of the Library Artist and Librarians (excluding the Children's Programming Librarian), Library employees perform work requiring skills similar to those of clerical employees in the white collar unit; that the duties of the Library Artist are not so unique as to warrant the creation of a separate bargaining unit; and that, therefore, regular full-time and regular part-time Library employees, excluding the Catalog Librarian, Adult Reference Librarians, the Children's Reference Librarian and the Information Services' Librarian are appropriately included in the white collar unit.

30. That the employees occupying the positions of Adult Circulation Clerk, Shelver, Circulation Attendant, Serials Clerk, Technical Services Clerk, Technical Services Aide and Special Officer-Court work on a regular basis and have an expectation of continued employment and, therefore, are regular part-time employees.

31. That the employees occupying the positions of Senior Systems and Operations Analyst, Associate Planner, Fire Inspector and Fire and Building Code Specialist perform work which is primarily administrative in nature; that the administrative duties performed by these employees are not so unique as to warrant the creation of a separate bargaining unit of administrative employees; and that these positions are more appropriately included in the white collar unit than in any of the other existing collective bargaining units.

32. That the positions of Drafting Technician and Engineering Technician 4 (Office) perform the vast majority of their work indoors; that their duties

include work which is clerical and/or administrative in nature and, therefore, the positions of Drafting Technician and Engineering Technician 4 (Office) are appropriately included in the white collar unit; that the Special Officer-Court performs duties which are administrative and/or clerical in nature and, therefore, is appropriately included in the white collar unit.

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

CONCLUSIONS OF LAW

1. That the employees occupying the positions of Library Artist, Children's Programming Librarian and Real and Personal Property Technician are not professional employees within the meaning of Sec. 111.70(1)(l) and therefore, appropriately included in the non-professional white collar unit.

2. That employees occupying the positions of Adult Reference Librarian, Children's Reference Librarian, Catalog Librarian, and Information Services Librarian are professional employees within the meaning of Sec. 111.70(1)(l) and therefore, appropriately excluded from the non-professional white collar unit as required by Sec. 111.70(4)2.a.

3. That the employee occupying the position of Technical Services Assistant is neither a professional employee within the meaning of Sec. 111.70(1)(l), nor a supervisory employee within the meaning of Sec. 111.70(1)(o), and is a municipal employee with the meaning of Sec. 111.70(1)(b) of the Municipal Employment Relations Act and appropriately included in the non-professional white collar unit.

4. That the employee occupying the position of Associate Planner is neither a professional employee within the meaning of Sec. 111.70(1)(l), nor a managerial employee and is a municipal employee within the meaning of Sec. 111.70(1)(b) of the Municipal Employment Relations Act and appropriately included in the non-professional white collar unit.

5. That the employees occupying the positions of Senior Circulation Clerk and Senior Systems and Operations Analyst are not supervisory employees within the meaning of Sec. 111.70(1)(o) and, therefore, are municipal employees within the meaning of Sec. 111.70(1)(b) and appropriately included in the non-professional white collar unit.

6. That the employees occupying the positions of Sanitarian 2 and Sanitarian 3 are not craft employees within the meaning of Sec. 111.70(1)(f), but are professional employees within the meaning of Sec. 111.70(1)(l) and therefore appropriately excluded from the non-professional white collar unit as required by Sec. 111.70(4)(d)2.a.; and that the employee occupying the position of Sanitarian 3 is not a supervisory employee within the meaning of Sec. 111.70(1)(o).

7. That the positions of Electrical Inspector, Plumbing Inspector 1 and 2, and Building Inspector are occupied by craft employees within the meaning of Sec. 111.70(1)(f) and therefore appropriately excluded from the non-professional white collar unit as required by Sec. 111.70(4)(d)2.a.

8. That the employees occupying the positions of Special Officer-Court, Adult Circulation Clerk, Shelver, Circulation Attendant, Serials Clerk, Technical Services Clerk and Technical Services Aide are regular part-time employees and appropriately included in the non-professional white collar unit.

9. That the employee occupying the position of Fire Secretary is not a confidential employee and, therefore, is a municipal employee within the meaning of Sec. 111.70(1)(b) of the Municipal Employment Relations Act and appropriately included in the non-professional white collar unit.

10. That employees occupying the positions of Crossing Guard and Crossing Guard Alternate lack a sufficient community of interest with other employees in the white collar unit and, therefore, are not appropriately included in said unit.

11. That all regular full-time and regular part-time office, clerical and administrative employees ("white collar") of the City of Wauwatosa, but excluding supervisory, confidential, managerial, executive, professional and craft employees, Crossing Guards and Crossing Guard Alternates and employees included in existing

collective bargaining units, constitute an appropriate collective bargaining unit within the meaning of Sec. 111.70(4)(d)2.a. of the Municipal Employment Relations Act.

12. That a question concerning representation within the meaning of Sec. 111.70(4)(d) of the Municipal Employment Relations Act has arisen among the employees included in the appropriate collective bargaining unit set forth above.

DIRECTION OF ELECTION

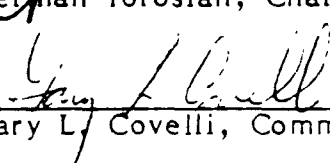
IT IS HEREBY directed that an election by secret ballot shall be conducted under the direction of the Wisconsin Employment Relations Commission within forty-five (45) days from the date of this Direction in the collective bargaining unit consisting of all regular full-time and regular part-time office, clerical and administrative employees ("white collar") of the City of Wauwatosa, but excluding supervisory, confidential, managerial, executive, professional and craft employees, Crossing Guards and Crossing Guard Alternates, and employees included in existing collective bargaining units, who were employed on November 3, 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 such employees voting desire to be represented by District Council 48, AFSCME, AFL-CIO for the purpose of collective bargaining with the City of Wauwatosa on wages, hours and conditions of employment.

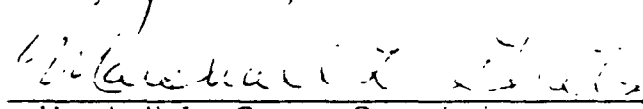
Given under our hands and seal at the City of
Madison, Wisconsin this 3rd day of November, 1983.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Herman Torosian, Chairman


Gary L. Covelli, Commissioner


Marshall L. Gratz, Commissioner

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

In the present case, the Union petitioned for a unit consisting of all regular full-time and regular part-time white collar employees, excluding supervisory, student, seasonal, craft, professional and managerial employees. The Union, however, is seeking to exclude all Library employees and the positions of Electrical, Plumbing, Building and Fire Inspectors, Fire and Building Code Specialists, Senior Systems and Operations Analyst, Drafting Technician, Engineering Technician 4 (Office), Associate Planner, Sanitarians 2 and 3, Fire Secretary, and Special Officer-Court. The City contends that all of these positions are appropriately included in the unit, but alleges that the position of Real and Personal Property Technician is appropriately excluded therefrom. The Union and the City agree that the positions of Crossing Guard and Crossing Guard Alternate lack a community of interest with other employees in the unit and, therefore, should be excluded.

LIBRARY

The Union, contrary to the City, argues that Library employees do not share a community of interest with other City employees because there is a Library Board which oversees the functions of the Library, hiring is done independently or through the Board, Library employees are physically separate from other City employees, Library employees have a separate lunch and break area, Library employees work evenings and weekends, and that Library employees' duties and skills are completely different from those of other City employees.

In determining the appropriateness of a collective bargaining unit, the Commission's decision is guided by Sec. 111.70(4)(d)2.a. of the Municipal Employment Relations Act, which provides:

The Commission shall determine the appropriate unit for the purposes of collective bargaining and shall whenever possible avoid fragmentation by maintaining as few units as practicable in 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, divisions, institutions, crafts, professions or other occupational groupings constitute a unit.

The Commission gives effect to this statutory provision by employing a case by case analysis to avoid the creation of more bargaining units than is necessary to properly reflect the employees' community of interest. 8/ The Commission has employed the following factors to guide its analysis of the appropriateness of a petitioned for bargaining unit: 9/

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.

8/ Area Board of Vocational, Technical and Adult Education District No. 1, (11901) 5/73; Appleton Area School District, (18203) 11/80; Boyceville Community School District, (20598) 4/28/83.

9/ Milwaukee County, (19753-A) 2/83; Wisconsin Heights School District, (17182) 8/79.

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.

LIBRARY BOARD

The Library Board's participation in employment matters is limited to the selection of the Library Director and routine approval of the employment of Librarians recommended by the Library Director. Although the Library Board does review the budget prepared by the Library Director, the City Common Council has financial control of the Library. The Library Board has a de minimus impact upon the supervision, wages, hours and working conditions of Library employees. Consequently, the existence of the Library Board does not warrant the exclusion of Library employees from the unit.

COMMON WORKPLACE AND SUPERVISION

The collective bargaining unit sought by the instant petition includes employees from many different departments. Although the majority of these employees do work in City Hall, they work in offices physically separated from one another and lack common supervision. Since lack of common supervision and workplace is endemic, it cannot serve as a basis for excluding Library employees from the unit.

DUTIES AND SKILLS

As discussed more fully below, the duties of the non-professional Library employees, with the exception of the Library Artist, require skills which are clerical in nature, i.e., typing, numerical and alphabetical indexing, filing, record-keeping, cashiering, and invoicing. The Commission is persuaded, therefore, that non-professional Library employees share a sufficient community of interest with other City employees to be included in the unit sought herein. Although Library employees, unlike other employees in the unit, regularly work evenings and weekends, this distinction is not sufficient to overcome the anti-fragmentation mandate of Sec. 111.70(4)(d)2a. Indeed we note that a contrary conclusion could ultimately yield four bargaining units (a professional and non-professional Library and professional and non-professional City Hall).

Librarians, Library Artist

According to the Union, the employees occupying the positions of Catalog Librarian, Adult Reference Librarian, Information Services Librarian, and Children's Reference Librarian are professional employees and, consequently, must be excluded from the unit.

The aforementioned Librarians, who are required to have a college degree, are responsible for the following: selecting books to be purchased in their assigned section of the Library; determining which books are essential to the collection and must be retained regardless of circulation; and responding to requests for reference information and information on the use of library facilities. In addition, each has specific duties as follows: the Reference Librarians (Children's and Adult) develop book lists with annotations for the purpose of stimulating reader interest; the Catalog Librarian determines and assigns Dewey Decimal numbers; and the Information Services Librarian assists in the preparation and presentation of adult library programs. The Commission is satisfied that the work performed by the Reference Librarians (Adult and Children's), Catalog Librarian and Information Services Librarians is predominantly intellectual and varied in character, involves the consistent exercise of discretion and judgment, and requires knowledge of an advanced type within the meaning of Sec. 111.70(1)(1) and, therefore, the employees occupying said positions are professional employees.

According to the Union, the Library Artist and the Children's Programming Librarian have a B.A. and, therefore, are professional employees. The Union also notes that the Library Artist was chosen for her artistic training. The Library

Artist and the Children's Programming Librarian, however, are not required to have a bachelors degree. The Library Artist prepares exhibits, displays, informational signs, posters, and graphics for brochures and flyers. The Children's Programming Librarian devotes approximately fifty percent of her time to secretarial duties. She also answers reference questions, provides reader guidance, charges and discharges library materials, and prepares and presents children's library programs. Although the duties of the Children's Programming Librarian and the Library Artist do involve some exercise of discretion and judgment, they are not predominantly intellectual in character and do not require knowledge of an advanced type within the meaning of Sec. 111.70(1)(1)(d). The Commission is satisfied, therefore, that the Library Artist and the Children's Programming Librarian are not professional employees.

Technical Services Assistant and Senior Circulation Clerk

The Union, contrary to the City, contends that the positions of Technical Services Assistant and Senior Circulation Clerk are supervisory. Additionally, the Union argues that the cataloging duties of the Technical Services Assistant require knowledge of an advanced type and, therefore, she is a professional employee.

The Technical Services Assistant, who is required to be a high school graduate, prepares, types and files catalog and shelf list cards, classifies each new book as mystery, science fiction, western or other, maintains the standing order file, withdraws shelf cards of books no longer in circulation, keeps records of the number of books purchased and their subject area, distributes work to the Technical Services Aide and instructs the Aide in the proper performance of Aide duties. The Technical Services Assistant does not have authority to hire, promote, discipline, assign hours of work or overtime, or discharge employees. The Commission is satisfied that the duties of the Technical Services Assistant do not require knowledge of an advanced type in a field of science and learning within the meaning of Sec. 111.70(1)(1), and, consequently, the Commission concludes that she is not a professional employee. Furthermore, the statutory criteria set forth in Sec. 111.70(1)(o) are not present in sufficient combination and degree to warrant the conclusion that the individual in question is a supervisory employee.

The Senior Circulation Clerk charges and discharges library material, registers library card holders, computes fines, answers questions regarding circulation procedures, and counts and records library revenues. The Senior Circulation Clerk also trains and directs the work of Shelves, authorizes schedule changes in the absence of her immediate supervisor, Mrs. Dudek, and corrects the behavior of Shelves. The Senior Circulation Clerk, however, does not have authority to hire, evaluate, promote or discharge employees or assign overtime. As with the Technical Services Assistant, the statutory criteria set forth in Sec. 111.70(1)(o) are not present in sufficient combination and degree to support the conclusion that the Senior Circulation Clerk is a supervisory employee.

Shelves, Circulation Attendants, Serials Clerk, Adult Circulation Clerk, Technical Services Clerk and Technical Services Aide

The Union contends that employees occupying the positions of Shelves, Circulation Attendant, Serials Clerk, Adult Circulation Clerk, Technical Services Clerk and Technical Services Aide are extra help, work irregular hours, and are excluded from civil service and, therefore, lack a community of interest with other employees in the unit. Since all part-time employees, including those in the petitioned for unit, are excluded from civil service, exclusion from civil service does not justify excluding part-time Library employees from the unit. Although the

employment, as with all part-time employees, is controlled by the part-time Library employee, it would be speculation to conclude that the other Shelves cannot be expected to complete the minimum service requirement. Such speculation cannot serve as the basis for excluding Shelves from the unit. Inasmuch as the students, and not the City, determine when they will leave their employment, their expectation of continued employment is not significantly different from that of other part-time City employees. The expectation of continued employment and the regularity of their work warrants the conclusion that part-time Library employees are regular part-time employees.

The Union further asserts that the Adult Circulation Clerks, Shelves, Circulation Attendants, Serials Clerk, Technical Services Clerk and Technical Services Aide should be excluded from the unit because they perform non-clerical work, work evening hours, and have little contact with other City employees. The Adult Circulation Clerks and Circulation Attendants charge and discharge library materials, register borrowers for library cards, compute fines, answer questions regarding circulation procedures, operate the library switchboard and arrange materials on shelving carts. The Adult Circulation Clerks also maintain and monitor overdue book records. The Serials Clerk processes periodical purchase orders, updates periodical holding lists, sorts and distributes mail, verifies invoices, and types and files catalog cards. The Technical Services Clerk types and files catalog cards and book orders, checks accuracy of invoices and assists at the Circulation Desk. The Technical Services Aide types book labels and affixes labels to books. A Shelves's primary responsibility is replacing books on library shelves, which, like the filing of papers and documents, requires an ability to understand and follow a numerical and/or alphabetical classification system. Contrary to the assertions of the Union, the Commission is persuaded that the above duties require skills similar to those required of other clerical employees in the unit.

NON-LIBRARY EMPLOYEES

Inspectors (Electrical, Plumbing and Building)

The Union argues that the Inspectors lack a community of interest with clerical employees and should be included in either the blue collar unit represented by Local 305 or a separate unit of craft employees. The City, however, contends that bargaining history favors the inclusion of the Inspectors in a white collar unit because the parties, in a prior election proceeding, stipulated that the Inspectors were properly included in a white collar unit. The City further contends that Inspectors do not perform blue collar work and, therefore, it would be inappropriate to include the Inspectors in a blue collar unit. According to the City, the Inspectors are not craft employees because they do not perform the work of craft employees, do not use all of the tools which are utilized by craft employees, and are able to substitute suitable education, training and experience for the job prerequisite of journeyman status.

In order to perform their duties, however, each Inspector must have the skills and knowledge of a journeyman in their respective craft. Although suitable education, training and experience may be substituted for journeyman status, all but one of the Inspectors have journeyman status. Lloyd Knapp, the Electrical Inspector who does not have journeyman status, has skills and knowledge which are equivalent, if not superior, to those of a journeyman electrician. The Commission concludes, therefore, that the positions of Electrical, Plumbing and Building Inspectors are craft employees within the meaning of Sec. 111.70(1)(f), Wis. Stats., and are not appropriately included in either the blue collar unit represented by Local 305 or the white collar unit sought herein. Inasmuch as the stipulation entered into in the previous election proceeding, i.e., that the Electrical, Plumbing and Building Inspectors were properly included in a white collar unit, is not supported by the instant record, it cannot, as the City argues, be given effect herein.

Fire Secretary

The Union, contrary to the City, claims that the Fire Secretary is a confidential employee because she types grievance responses, discusses discipline with the Fire Chief, and has access to employee evaluations, confidential personnel and medical files, contract proposals, and employee interview notes.

In order for an employee to be excluded as confidential, the employee must participate in the municipal employer's labor relations function or have access to

sensitive labor relations material which is not available to the Union. 10/ Contrary to the assertion of the Union, the Fire Secretary does not have access to collective bargaining proposals. Although she does have access to employee evaluations, personnel and medical files, each employee also has access to their own evaluations, personnel and medical files. Furthermore, a copy of all grievance material typed by the Fire Secretary is distributed to the Union and the affected employee. With respect to employee interview notes, those affecting the future employment of the individual are placed in the employee's personnel file and, consequently, are available to the employee. Although the Chief does discuss employee discipline with the Fire Secretary, these discussions often involve instructions on how to prepare the Department's written response, a copy of which is sent to the affected employee. On occasion, the Chief will inform the Fire Secretary of alternative disciplines being considered. Such information, however, is not necessary to the performance of her work. To be sure, the Fire Secretary does have access to the Chief's confidential file, the contents of which are not available to the Union or employees. With the exception of citizen complaints regarding individual employees, however, there is no evidence that the Fire Chief's confidential file contains sensitive labor relations material. Furthermore, any citizen complaint serious enough to warrant discipline is reported to the affected employee. The Commission concludes, therefore, that the Fire Secretary has a de minimis exposure to confidential labor relations material and, consequently, is not a confidential employee within the meaning of Sec. 111.70(1)(b), Wis. Stats. The Fire Secretary's duties and skills are similar to those of other employees in the unit and, as a result, she is appropriately included therein.

Special Officer-Court

The Union, contrary to the City, alleges that the Special Officer-Court position lacks a community of interest with clerical employees and should be in the police unit. The Special Officer-Court, however, does not have the power of arrest and, therefore, is not appropriately included in the police unit. 11/ The duties of the Special Officer-Court include transporting evidence and court materials between the municipal court and the Police Department, scheduling Police Officers for court appearances, and entering case dispositions on Police Department files. The Commission is persuaded that such duties require skills similar to those of clerical employees included in the unit. The Officer, who regularly works every Monday and Wednesday, is appropriately included in the white collar unit.

Fire Inspector and Fire and Building Code Specialist

The Union, contrary to the City, argues that the Fire Inspector and Fire and Building Code Specialist positions lack a community of interest with the white collar and clerical employees because they, unlike the white collar and clerical employees, spend the majority of their day in the field, rotate being on twenty-four hour call, wear a special uniform, are subject to the rules and regulations of the Fire Department, have an immediate supervisor who is a member of the Fire Department, and, the Fire Inspector is appointed by the Fire Chief. According to the Union, the Fire Inspectors should be included in either the firefighter unit or the blue collar unit represented by Local 305.

The Fire Inspector and Fire and Building Code Specialists have historically been excluded from the fire fighters' union, do not wear the firefighter uniform, 12/ are not located within any of the City Fire Departments and do not perform firefighter work. The Commission is persuaded, therefore, that the Fire Inspectors lack sufficient community of interest with the firefighter unit to be included therein. Although the Fire Inspectors do spend approximately six hours per day in the field, they do not perform the routine manual or technical work

10/ Bruce School District (19318-A) 5/6/83; Waukesha Jt. School District, (10823-A) 3/30/81.

11/ Marquette County, (12625) 4/74, Waukesha County, (14830) 8/11/76, and Manitowoc County, (8152-C) 6/7/79.

12/ The Fire Inspector and Fire and Building Code Specialists do wear regular firefighter gear when they inspect an active fire.

which is common to the employees included in the blue collar unit. 13/ The Commission is not persuaded, therefore, that the Fire Inspectors should be included in the blue collar unit.

The Fire Inspectors, like other employees in the white collar unit, have civil service status, have normal work hours of 8:00 a.m. to 5:00 p.m., have their office in the City Hall, and are subject to the provisions of Ordinance No. 0-82-69 which sets forth the terms and conditions of employment. Their duties, which are administrative in nature, are different from other employees in the white collar unit, but are not so unique as to warrant the establishment of a separate bargaining unit. The Commission concludes, therefore, that the positions of Fire Inspector and Fire and Building Code Specialist are appropriately included in the white collar unit.

Sanitarians

The Union asserts that the Sanitarian 3 spends an hour a day supervising the work of the Sanitarian 2, recommends discipline and promotions, and participates in hiring decisions and, therefore, should be excluded as a supervisory employee. The hour a day devoted to supervision, however, is primarily concerned with reviewing the reports of the Sanitarian 2 for the purpose of monitoring and discussing existing health problems and trends. Furthermore, only ten percent of the work load of the Sanitarian 2 is assigned by the Sanitarian 3. The Sanitarian 3 does have effective authority to recommend promotions and to request that discipline be imposed, and has exercised this authority on approximately six to eight occasions during the past twenty years. Although the Sanitarian 3 attends employment interviews for the purpose of asking questions of applicants, he does not determine which applicant is to be offered employment. Furthermore, the Sanitarian 3 does not have authority to grant overtime. The Commission concludes, therefore, that the indicia of supervisory status set forth in Sec. 111.70(1)(o) are not present in sufficient combination and degree to warrant the conclusion that the Sanitarian 3 is a supervisory employee.

The Union further argues that the Sanitarians lack a community of interest with white collar employees and, therefore, should be included in a separate craft unit. Sec. 111.70(1)(f), Wis. Stats., defines a craft employee as a "skilled journeyman craftsman." Since the Sanitarians are not required to have either journeyman status in a craft or the skills, knowledge and/or training required of a craft employee with journeyman status, the Commission rejects the Union's argument that the Sanitarians should be included in a separate craft unit.

The Sanitarian's primary function is to administer and ensure compliance with applicable health codes. Both the Sanitarian 2 and Sanitarian 3 positions require a state certificate of registration as a Sanitarian or eligibility therefore. The Sanitarian 3 is required to have a college degree in the biological sciences, physical sciences, or sanitary engineering and at least three years' experience in environmental sanitation or a closely related field. A suitable combination of training and experience, however, may be substituted for college degree required of the Sanitarian 2. Given the substantial period of study and/or training required to qualify for the Sanitarian positions and the use of independent judgment in administering and enforcing the applicable codes, the Commission concludes that the Sanitarian 2 and Sanitarian 3 are professional employees within the meaning of Sec. 111.70(1)(i).

Senior Systems and Operations Analyst

The Union contends that Roger Kowald, Senior Systems and Operations Analyst, uses independent judgement, helps select and hire new employees, recommends employee discipline and assigns work to subordinate employees, and, therefore, is a supervisory employee. The record establishes, however, that Kowald does not have authority to hire, evaluate, discipline and terminate Data Processing employees. Kowald has reviewed job applications, but his recommendations on hiring have not always been followed. If Kowald believes that an employee needs to be disciplined, he does discuss the matter with Davely, his supervisor, but does not recommend that a specific disciplinary action be taken. Furthermore, these discussions do not always result in the discipline of the employee. Although Kowald does assign

tasks to other Data Processing employees, the assignment of tasks is primarily a supervision of an activity, i.e., the efficient use of computer time and expedition of work, rather than the supervision of an employee. The Commission concludes, therefore that Kowald is not a supervisory employee with the meaning of Sec. 111.70(1)(o), Wis. Stats.

Kowald, like other employees in the white collar unit, works within City Hall, is within the civil service system, and is governed by the terms of employment and working conditions established by Ordinance No. 0-82-69. Kowald, however, works from 10:00 a.m. to 6:30 p.m., rather than the 8:00 a.m. to 5:00 p.m. of other City employees. The majority of his duties involve developing computer programs to process information required by the City, work not performed by other employees in the unit. He does, however, operate data processing equipment, a duty shared by the computer operators included in the unit. The Commission is not persuaded that Kowald's duties and skills are so unique as to warrant the creation of a separate unit. The Commission concludes, therefore, that Kowald is appropriately included in the white collar unit.

Drafting Technician, Engineering Technician 4 (Office)

According to the Union, the positions of Drafting Technician and Engineering Technician 4 (Office) are technical positions and the employees occupying said positions do not have a community of interest with white collar employees. The Drafting Technician drafts maps and plans, copies drawings, indexes and files plans and drawings and operates a print machine. The Engineering Technician 4 (Office) drafts maps and plans, administers the City housing numbering system, retrieves information from Departmental files and responds to informational requests from the public.

Although the Technicians do perform technical work, they also perform work which is clerical and/or administrative in nature. Furthermore, they perform only a de minimus amount of work in the field. In a prior proceeding, this Commission concluded that the Engineering Aide 3 (Office), whose duties involved drafting and the preparation of engineering drawings, was more appropriately included in a "white collar unit" than in the blue collar unit. 14/ The basis for the conclusion was two-fold. First, the Aide was an office employee, not a field employee. Second, the work did not involve manual labor. Since these two distinctions are present in the instant case, the Commission is satisfied that the positions of Drafting Technician and Engineering Technician 4 (Office) are appropriately included in the white collar unit.

Associate Planner

The Union, contrary to the City, argues that the Associate Planner is a technical employee, a professional employee, or a managerial employee and, therefore, should not be included in the white collar unit. Although the land use information developed by the Associate Planner is undoubtedly utilized in developing City planning policy, the record fails to establish that the Associate Planner either formulates or determines planning policy. Furthermore, there is no evidence that he has effective authority to commit City resources. Consequently, the Commission rejects the Union's argument that the Associate Planner is a managerial employee. Although the Associate Planner performs technical work such as drafting maps and sketching designs, the majority of his work time is devoted to providing the public and City officials with zoning code and community land use information. His duties further include encouraging development and property improvements, gathering census information on City housing and population, performing on-site inspections to determine land use, and preparing community development plans, reports, and charts. The Commission is not persuaded that these duties require knowledge of an advanced type within the meaning of Sec. 111.70(1)(i) and, therefore, rejects the Union's assertion that the Associate

range for his position, \$447.91 to \$487.89 per week, does not differ materially from that of the Accountant 2, a position which both parties agree is appropriately included in the unit. His duties and skills, while different from those of other white collar employees, are not sufficiently unique to warrant the creation of a separate collective bargaining unit. The Commission concludes, therefore, that the Associate Planner is appropriately included in the white collar unit.

Real and Personal Property Technician

The City, contrary to the Union, argues that Keith Hickles, is a professional employee and, therefore, appropriately excluded from the white collar unit. Hickles reviews personal property forms submitted by taxpayers to ascertain whether such forms are properly completed, calculates assessments based on values recorded on personal property forms, conducts on-site investigations to verify data reported by taxpayers, monitors construction activities to determine date of completion so that added value can be assessed, determines values of improvements by referring to manuals which set forth values based on dimensions and construction material, responds to taxpayer complaints, reassesses property if he determines that the complaint is justified, and, prepares maps, floor plans and drawings. Hickles' work does not require knowledge of an advanced type in a field of science or learning within the meaning of Sec. 111.70(1)(1)(d), Wis. Stats., nor does it involve the consistent exercise of discretion and judgment in its performance within the meaning of Sec. 111.70(1)(1)(b). Consequently, the Commission rejects the City's position that Hickles is a professional employee. Many of Hickles' duties require skills similar to those of Accountants and Bookkeepers, positions which are included in the white collar unit. His wage scale, \$326.92 to \$384.62, does not differ materially from either the Dental Hygienist or the Buyer, positions which are also included in the white collar unit. Hickles, like other employees in the unit, has his offices within City Hall, works 8:00 a.m. to 5:00 p.m., is within the civil service, and is subject to the provisions of Ordinance No. 0-82-69, which establishes, inter alia, terms of employment and working conditions. The Commission is persuaded, therefore, that Hickles has sufficient community of interest with other employees in the white collar unit to be included therein.

Crossing Guards


The Union and the City agree that the City Crossing Guards have a community of interest which is distinct from the regular full-time and regular part-time employees in the white collar/clerical unit because they are seasonal, work only one hour each in the morning, at noon, and in the afternoon, perform all of their work in the field, and do not perform clerical or white collar work.

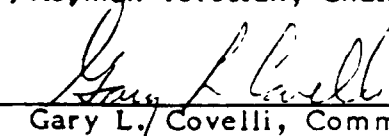
The Commission agrees that the Crossing Guards have a community of interest distinct and separate from the white collar and clerical employees. Since there are approximately forty-five employees in the position of Crossing Guard and Crossing Guard Alternate, a decision to exclude the Crossing Guards from the white collar/clerical unit would not unduly fragment the municipal work force. The Commission concludes, therefore, that the positions of Crossing Guard and Crossing Guard Alternate are not appropriately included in the white collar unit.

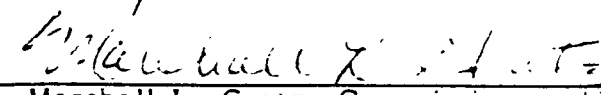
Dated at Madison, Wisconsin this 3rd day of November, 1983.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Herman Torosian, Chairman


Gary L. Covelli, Commissioner


Marshall L. Gratz, Commissioner