

2. That Local Union 953, International Brotherhood of Electrical Workers, AFL-CIO, hereinafter referred to as the IBEW, is a labor organization having its principal offices in Eau Claire, Wisconsin and having a mailing address of P. O. Box 3005, Eau Claire, WI 54702-3005

3. That the City of Cornell, hereinafter referred to as the City, is a municipal employer with offices at 222 Main Street, Cornell, WI 54732; that, among the municipal services provided by the City are the operation of a Police Department, Streets Department and Public Utilities (water, sewer and electrical utilities); that the Public Utilities are operated by a Utilities Commission, which is established by an ordinance adopted by the City of Cornell's Common Council; that the makeup of the Commission is set by ordinance as five members, two of whom must be aldermen; that the Common Council must adopt an annual budget for the Public Utilities; that the Common Council must approve all Public Utilities rates; that the Common Council has final authority over all personnel matters involving the Public Utilities; that wages and benefits for Public Utility employees are identical to those of non-utility city employees; that the Public Utility does not maintain a checking account separate from the City of Cornell; that utility bills are payable to the City of Cornell; and that the Superintendent of the Public Utility is appointed by the Mayor and subject to confirmation by the Common Council.

4. That the City of Cornell Public Utilities provide electrical, water, and sewer service; that the City of Cornell employs four people in the Public Utilities: Edward Jenneman, whose classification is Utilities Foreman; Terry Stipek, whose classification is Journeyman Lineman; and Terry Capek and Frank Hakes, whose classification is Apprentice Lineman; that these employees divide their time working among the various utilities; and these employees also perform work for the Streets Department on an occasional basis; that Street Department employees perform work for the Public Utilities on an occasional basis; that the salaries of employees working in other departments on an occasional basis is charged against the account established for the function they are performing; that employees in the Public Utilities are required to possess either journeyman or apprentice status in the electrical trades; and that knowledge of and training in the electrical trades is required for utility employees to perform the full range of their duties across all of the utilities.

5. That the City of Cornell employs two clerical employees, Susan Hartzell and Catherine Adrian; that Hartzell is employed as an office clerk in the City Shop; that the City Shop is located five blocks from the City Hall; that the Streets Department and Utility employees work out of the City Shop; that Hartzell is the only clerical employee at the City Shop; that Adrian is the Deputy City Clerk; that Adrian is stipulated to be a confidential employee; that Adrian works in the City Hall; that the office clerk in the City Shop will not be involved in the preparation of bargaining proposals; that the office clerk in the City Shop has, among her duties, routine typing relating to grievance processing in the City Shop; and that the office clerk in the City Shop has only de minimus involvement in confidential labor relations matters.

6. That the petition in Case 8 was filed by the Teamsters, requesting a representation election in a unit consisting of all full-time and regular part-time police dispatchers and street department employees, excluding police officers, electricians, office clerical, supervisors and guards; that the petition in Case 9 was filed by the IBEW requesting a representation election in a unit consisting of all regular full-time employees of the City of Cornell Electric Utility, excluding supervisory personnel, managerial and clerical employees; that the City contends, contrary to the Unions, that Electric Utility employees do not constitute a separate craft and that exclusion of said employees from an overall unit of City employees would constitute undue fragmentation; that the City contends that the appropriate unit is an overall unit of all City employees, excluding police officers; that the City contends that Susan Hartzell, the office clerk in the City Shop, is a confidential employee; that the parties have stipulated to the supervisory status of Chuck Smith, the Street Department Foreman, Edward Jenneman, the Utilities Foreman and Edward Endres, the Police Chief; that the parties stipulated to the confidential status of Catherine Adrian, the Deputy City Clerk; that the parties stipulated that the meter readers employed on a once-a-month basis to read utility meters are casual employees; and that the parties stipulated to the appropriateness of a bargaining unit sought by the Teamsters in the Police Department, consisting of sworn police officers having the power of arrest.

7. That the positions of Journeyman Lineman and Apprentice Lineman are craft positions, and that the incumbents of those positions, Terry Stipek, Terry Capek and Frank Hakes, are craft employees.

8. That the position of office clerical in the City Shop does not participate in confidential labor relations matters to any significant degree; and that the incumbent in that position, Susan Hartzell, is not a confidential employe.

9. That the Teamsters have disclaimed any interest in representing a separate unit consisting of craft employes in the Electrical Utility; and that the IBEW has disclaimed any interest in representing an overall bargaining unit of City employes including non-craft employes.

CONCLUSIONS OF LAW

1. That the City of Cornell Public Utility is not a "municipal employer" within the meaning of Section 111.70(1)(j), Stats., and that the City of Cornell is a "municipal employer" with respect to employes employed by the City of Cornell Public Utilities.

2. That "all regular full-time and regular part-time employes of the City of Cornell, excluding sworn law enforcement officers with the power of arrest, managerial, supervisory, confidential, casual, and craft employes represented in a separate craft bargaining unit" is an appropriate bargaining unit within the meaning of Section 111.70(4)(d)2.a., Stats.

3. That "all regular full-time and regular part-time electrical linemen employed by the City of Cornell, excluding managerial, supervisory, confidential and casual employes" is an appropriate bargaining unit within the meaning of Section 111.70(4)(d)2.a., Stats.

4. That a question of representation within the meaning of Section 111.70(4)(d)3, Stats., presently exists among the employes of the City of Cornell in the appropriate collective bargaining units described in Conclusions of Law 2 and 3 above.

5. That the occupant of the position of Journeyman Lineman and the occupants of the positions of Apprentice Linemen are craft employes within the meaning of Section 111.70(1)(d), Stats., and therefore cannot be included in a combined unit with non-craft employes unless a majority of craft employes vote by secret ballot for inclusion in such a combined unit.

6. That the occupant of the position of Office Clerical in the City Shop is not a confidential employe and is therefore a municipal employe within the meaning of Sec. 111.70(1)(i) included within the appropriate bargaining unit set forth in Conclusion of Law 2 above.

DIRECTION OF ELECTIONS

That elections by secret ballot shall be conducted under the direction of the Wisconsin Employment Relations Commission within thirty (30) days from the date of this Directive in the following voting groups for the following stated purposes:

Voting Group No. 1

All regular full-time and regular part-time electrical linemen employed by the City of Cornell, excluding managerial, supervisory, confidential and casual employes who were employed on October 15, 1986, except such employes as may prior to the election quit their employment or be discharged for cause, for the purpose of determining (1) whether a majority of the employes in said voting group desire to be included in the same bargaining unit with the non-craft employe group described as Voting Group 2 below; (2) whether, if a majority of the employes in Voting Group 1 vote for inclusion in a unit with the non-craft Voting Group 2, those employes desire to be represented by General Teamsters Union, Local 662 for the purposes of collective bargaining with the City of Cornell on questions of wages, hours and conditions of employment, or to be unrepresented; and (3)

whether, if a majority of the employees in Voting Group 1 vote for representation in a separate craft bargaining unit, those employees desire to be represented by the International Brotherhood of Electrical Workers Local 953 for the purposes of collective bargaining with the City of Cornell on questions of wages, hours and conditions of employment, or to be unrepresented.

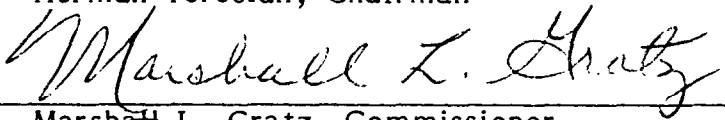
Voting Group No. 2


All regular full-time and regular part-time employees of the City of Cornell, excluding sworn law enforcement officers with the power of arrest, managerial, supervisory, confidential, casual and craft employees represented in a separate craft bargaining unit, 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 the employees in said voting group desire to be represented by General Teamsters Union, Local 662 for the purposes of collective bargaining with the City of Cornell on questions of wages, hours and conditions of employment, or to be unrepresented.

Given under our hands and seal at the City of
Madison, Wisconsin this 20th day of October, 1986.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 
Herman Torosian, Chairman


Marshall L. Gratz, Commissioner


Danae Davis Gordon, Commissioner

CITY OF CORNELL, (ELECTRIC UTILITY)

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

The instant matter consolidates petitions filed by the Teamsters and the IBEW seeking representation elections in two separate groups of City of Cornell employes. The City contends that there should be only one unit, arguing that the electric linemen employed by the Public Utility are not entitled to craft employe status. The City further contends that the office clerical in the City Shop is a confidential employe. Additional issues, not raised by the parties, concern whether the proposed Teamsters unit unduly fragments the bargaining units by excluding the office clerical, and whether the Public Utility is a separate employer.

I. Status of the Public Utility as a Separate Employer

It is evident from the record that the Public Utility has little, if any, independent standing. The Commission is appointed by the Mayor and approved by the Council, and must include two city councilmen among its five members. All significant actions of the Utility Commission, including employment levels, utility rates, setting of the annual budget and all personnel matters are subject to review and approval of the Common Council. The benefits afforded Utility employes are identical to those set for other City employes and their annual compensation packages are subject to Council approval. Utility bills are made payable to the City and are deposited into the City's accounts. In short, the record fully supports the conclusion that the Public Utility is operated as a department of the City, and that Utility employes are, therefore, appropriately treated as City employes for representation purposes.

II. Craft Status of Public Utility Electrical Linemen

The linemen employed by the Public Utility are classified as Journeyman Linemen and Apprentice Linemen. These classifications reflect the employes' actual standing in the trades. From the record, it appears that the majority of these employes' time is spent in work which does not require "the skills, knowledge and/or training required of a craft employe with journeyman status." 1/ A substantial minority of their time, however, is devoted to such work -- installation, modification and repair of meters, electric lines and transformers, as well as performing electrician's work in the water utility. The City requires, as a practical matter, that applicants for these jobs either possess formal standing in the trades or enter into the apprenticeship program as a condition of employment. Finally, these employes must possess the skills and knowledge of the electrical lineman's craft in order to perform the full range of their job duties.

On the record before us, the Commission is persuaded that the Public Utility linemen meet the requirements of craft employes set forth in Section 111.70(1)(f), Stats. and are entitled to vote on whether they desire representation by the IBEW in a separate unit or representation by the Teamsters in an overall unit, or no representation.

III. The Office Clerical in the City Shop

The proposed Teamsters unit excludes "office clerical" employes, while including all other non-craft, non-sworn employes of the City. This would result in a residual unit of one person. Under these circumstances, we conclude that the exclusion of office clericals from the proposed overall unit would constitute undue fragmentation of bargaining units.

The City asserts that the Office Clerical in the City shop is a confidential employe, because she is the only clerical employe in the shop and thus will perform clerical functions relating to the grievances. Given the relatively small number of employes in the shop (seven between the Utility and the Streets

1/ City of Wauwatosa, Dec. No. 21145 (WERC, 11/83), page 24.

Department) and the ready availability of the confidential secretary in the City Hall five blocks away, there is no basis for concluding that an additional confidential employe will be required in the City's operation. The record as it stands does not justify the claimed exemption.

IV. Composition of Voting Groups and Conduct of Elections

The IBEW has disclaimed any interest in representing a bargaining unit which includes non-craft employes. Similarly, the Teamsters have disclaimed any interest in representing a separate unit of craft employes. Given the conclusion herein that electrical linemen in the Public Utilities are craft employes, we have directed that the ballots provided to those craft employes present three questions. The craft employes will vote on whether a majority of them wish to be included in an overall unit by means of a separate unit determination ballot. At the same time, the craft employes will vote on:

(1) whether they wish to be represented by the Teamsters or to be unrepresented, if craft employes are included in a combined unit; and

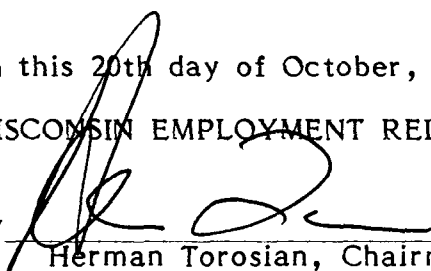
(2) whether they wish to be represented by IBEW or be unrepresented if craft employes are included in a separate craft-only bargaining unit.

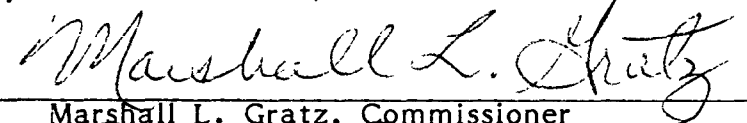
If a majority of the craft employes vote for inclusion in the same unit with non-craft employes, their votes on (1) above will be mixed with the votes of the non-craft employes to determine the outcome of that election. Otherwise, the craft employes' votes on (2) will be counted separately and their votes on (1) will be disregarded.

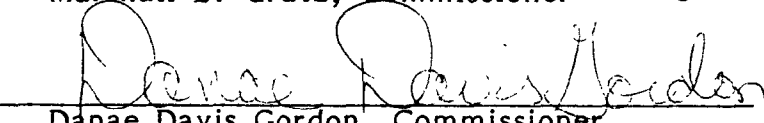
Dated at Madison, Wisconsin this 20th day of October, 1986.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Herman Torosian, Chairman


Marshall L. Gratz, Commissioner


Danae Davis Gordon, Commissioner