

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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

Case 269
No. 35926 ME-51
Decision No. 24602

Also affecting:

Case 3, No. 8597, ME-7, Dec. No. 6215-O
Dec. No. 6246-C
Dec. No. 6247-C
Dec. No. 6248-D
Dec. No. 6250-E
Dec. No. 6252-I
Dec. No. 6705-F
Case 60, No. 11806, ME-352, Dec. No. 8395-B
Case 61, No. 11991, ME-368, Dec. No. 8605-A
Case 81, No. 12700, ME-442, Dec. No. 8959-A
Case 142, No. 17978, ME-1094, Dec. No. 13099-F
Case 197, No. 24629, ME-1678, Dec. No. 17741-A
Case 244, No. 31113, ME-2185, Dec. No. 20603-A
Case 245, No. 31114, ME-2186, Dec. No. 20604-A
Case 264, No. 35374, ME-2485, Dec. No. 22857-A

Appearances:

Mr. Stuart S. Mukamal, Assistant City Attorney and Mr. James W. Geissner,
City Labor Negotiator, 200 East Wells Street, Milwaukee, WI 53202,
appearing on behalf of the City.
Podell, Ugent & Cross, S.C., Attorneys at Law, 207 East Michigan, Milwaukee,
WI 53202, by Ms. Nola J. Hitchcock Cross, appearing on behalf of
District Council 48.

ORDER PURSUANT TO STIPULATIONS AMENDING
CERTIFICATIONS AND CLARIFYING BARGAINING UNITS

The Commission having certified the above-named petitioner (herein District Council 48) as exclusive bargaining representative of bargaining units consisting of certain employees of the following subdivisions of City government as more fully specified in the respective Certifications of Representatives noted below:

Department of Public Works -- Case 3, No. 8597, ME-7
(Dec. No. 6215-J, dated 5-6-63; last amended -N, 6-30-71)

Election Commission -- Case 3, No. 8597, ME-7
(Dec. No. 6246-B, dated 4-30-64)

Harbor Commission -- Case 3, No. 8597, ME-7
(Dec. No. 6247-B, dated 4-30-64)

Public Library -- Case 3, No. 8597, ME-7
(Dec. No. 6248-C, dated 4-30-64)

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6252-I, 6705-F, 8395-B,
8605-A, 8959-A, 13099-F,
17741-A, 20603-A, 20604-A,
22857-A

Department of Building Inspection and Safety Engineering -- Case 3,
No. 8597, ME-7

(Dec. No. 6705-A, dated 4-30-64; last amended -E, 1-8-70)

Tax Department -- Case 3, No. 8597, ME-7

(Dec. No. 6250-C, dated 4-30-64)

Health Department's Bureau of Environmental Sanitation -- Case 3,
No. 8597, ME-7

(Dec. No. 6252-C, dated 4-30-64)

Department of City Development's Technical and Maintenance Division
-- Case 60, No. 11806, ME-352

(Dec. No. 8395, dated 3-6-68)

Police Department's Building and Grounds Division -- Case 61,
No. 11991, ME-368

(Dec. No. 8605, dated 8-16-68)

Central Electronic Data Services Department -- Case 81, No. 12700,
ME-442

(Dec. No. 8959, dated 5-6-69)

Service Division of Bureau of Municipal Equipment of Department of
Public Works -- Case 142, No. 17978, ME-1094

(Dec. No. 13099-E, dated 3-27-75)

Central Board of Purchases -- Case 197, No. 24629, ME-1678

(Dec. No. 17741, dated 5-29-80)

Municipal Court -- Case 244, No. 31113, ME-2185

(Dec. No. 20603, dated 6-15-83)

Comptroller's Office and Public Debt Commission -- Case 245,
No. 31114, ME-2186

(Dec. No. 20604, dated 6-15-83)

Police Department's Garage Attendants -- Case 264, No. 35374,
ME-2485

(Dec. No. 22857, dated 9-26-85);

and on the dates noted below the City having voluntarily recognized District Council 48 as the sole and exclusive collective bargaining representative for certain employees in the following additional organizational subdivisions of City government:

Health Department
(recognized 12-16-74)

Department of City Development's Planning & Prog. Div. and Real Estate Div.
(recognized 7-25-68)

Department of City Development
(recognized 9-28-70)

and the above-named Petitioner having filed with the Commission petitions requesting that the Commission amend certain of the above-noted Certifications and clarify certain of the above-noted voluntarily recognized bargaining units; and the parties, by letters dated April 1 and May 5, 1987 having filed and clarified stipulations amending the petitions so as to request that the Commission amend its records to reflect that the City and District Council 48 have agreed to (1)

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include certain previously unrepresented employees in the relevant AFSCME bargaining units, and (2) restructure the foregoing bargaining units into four agreed-upon units (blue collar, professional, technical and white collar); and a pre-hearing conference having been held in the matter by Examiner Marshall L. Gratz of the Commission's staff on June 2, 1987, at Milwaukee, at which time the parties resolved some of the issues remaining in dispute; and the Examiner having convened a hearing in the matter on June 11, 1987, at Milwaukee, at which time the Examiner placed on the record the results of the pre-hearing conference and the parties placed on the record their agreed-upon resolution of the balance of the issues remaining in dispute; and the parties having jointly requested that the Commission issue an order giving effect to their above-noted unit inclusion and unit restructuring agreements; and the Commission having considered the stipulations of the parties and the nature of the previously-existing AFSCME bargaining units of City employees, and being satisfied that the above-noted requests of the parties should be granted;

NOW, THEREFORE, it is hereby

ORDERED 1/

That pursuant to the above-noted stipulations of the City of Milwaukee and District Council 48, AFSCME, AFL-CIO:

1. Effective as of the date of this Order, the above-noted Certifications of Representatives and voluntary recognitions of District Council 48 as sole and exclusive representative of the various bargaining units noted above shall be and hereby are deemed superceded by the parties' above-noted agreement that Milwaukee District Council 48, AFSCME, AFL-CIO is the voluntarily recognized exclusive collective bargaining representative of the four stipulated units described in the attached bargaining unit descriptions.

2. The Management Administrative Assistant I position occupied by Mary Jane Champagne in the Department of City Development shall be excluded from said units as a confidential employee.

3. The Nutritionist position occupied by Elizabeth Yaeger shall be excluded from said units as a supervisory employee.

4. District Council 48's previous requests for unit inclusion of the following positions have been withdrawn and are dismissed on that basis, leaving the positions noted unrepresented:

<u>Department</u> <u>and</u> <u>Title Code</u>		<u>Position</u>	<u>Current Incumbent</u>
Department of City Development			
417		Project Control Analyst II	Duane Verba
417		Project Control Analyst II	Timothy McLaren

1/ Pursuant to Sec. 227.48(2), Stats., the Commission hereby notifies the parties that a petition for rehearing may be filed with the Commission by following the procedures set forth in Sec. 227.49 and that a petition for judicial review naming the Commission as Respondent, may be filed by following the procedures set forth in Sec. 227.53, Stats.

(Footnote 1 continued on Page 4.)

227.49 Petitions for rehearing in contested cases. (1) A petition for rehearing shall not be prerequisite for appeal or review. Any person aggrieved by a final order may, within 20 days after service of the order, file a written petition for rehearing which shall specify in detail the grounds for the relief sought and supporting authorities. An agency may order a rehearing on its own motion within 20 days after service of a final order. This subsection does not apply to s. 17.025(3)(e). No agency is required to conduct more than one rehearing based on a petition for rehearing filed under this subsection in any contested case.

227.53 Parties and proceedings for review. (1) Except as otherwise specifically provided by law, any person aggrieved by a decision specified in s. 227.52 shall be entitled to judicial review thereof as provided in this chapter.

(a) Proceedings for review shall be instituted by serving a petition therefor personally or by certified mail upon the agency or one of its officials, and filing the petition in the office of the clerk of the circuit court for the county where the judicial review proceedings are to be held. Unless a rehearing is requested under s. 227.49, petitions for review under this paragraph shall be served and filed within 30 days after the service of the decision of the agency upon all parties under s. 227.48. If a rehearing is requested under s. 227.49, any party desiring judicial review shall serve and file a petition for review within 30 days after service of the order finally disposing of the application for rehearing, or within 30 days after the final disposition by operation of law of any such application for rehearing. The 30-day period for serving and filing a petition under this paragraph commences on the day after personal service or mailing of the decision by the agency. If the petitioner is a resident, the proceedings shall be held in the circuit court for the county where the petitioner resides, except that if the petitioner is an agency, the proceedings shall be in the circuit court for the county where the respondent resides and except as provided in ss. 77.59(6)(b), 182.70(6) and 182.71(5)(g). The proceedings shall be in the circuit court for Dane county if the petitioner is a nonresident. If all parties stipulate and the court to which the parties desire to transfer the proceedings agrees, the proceedings may be held in the county designated by the parties. If 2 or more petitions for review of the same decision are filed in different counties, the circuit judge for the county in which a petition for review of the decision was first filed shall determine the venue for judicial review of the decision, and shall order transfer or consolidation where appropriate.

(b) The petition shall state the nature of the petitioner's interest, the facts showing that petitioner is a person aggrieved by the decision, and the grounds specified in s. 227.57 upon which petitioner contends that the decision should be reversed or modified.

. . .

(c) Copies of the petition shall be served, personally or by certified mail, or, when service is timely admitted in writing, by first class mail, not later than 30 days after the institution of the proceeding, upon all parties who appeared before the agency in the proceeding in which the order sought to be reviewed was made.

Note: For purposes of the above-noted statutory time-limits, the date of Commission service of this decision is the date it is placed in the mail (in this case the date appearing immediately above the signatures); the date of filing of a rehearing petition is the date of actual receipt by the Commission; and the service date of a judicial review petition is the date of actual receipt by the Court and placement in the mail to the Commission.

417	Project Control Analyst II	Vacant
316	Auditor II	Denis Busalacchi
606	Management Administrative Assistant I	Vacant
607	Management Administrative Assistant II	John Blichta
607	Management Administrative Assistant II	Rita Gorny

Central Electronic
Data Services

620	Management Data Processing Specialist II	Jerry Harazin
620	Management Data Processing Specialist II	Thomas Hoeppner
620	Management Data Processing Specialist II	Roger Wilson
620	Management Data Processing Specialist II	Craig Hapanovich
132	Microcomputer Specialist	Joe Giljohann
620	Management Data Processing Specialist II	Robert Herzfeld
620	Management Data Processing Specialist II	Dale Theesfeld
152	Operations Coordinator	Roger Lucas
3012	Project Analyst-CEDS	Sue Kronberger
3012	Project Analyst-CEDS	Vacant
3012	Project Analyst-CEDS	Sharon Struble

Central Board of
Purchases

203	Buyer II	Frederick Kneisler
203	Buyer II	Donald Lucier
203	Buyer II	Lori Borga
203	Buyer II	Ronald J. Janonis
203	Buyer II	Susan B. Connelly

5. Except as noted above, District Council 48's petitions in this matter are deemed withdrawn and dismissed on that basis.

Given under our hands and seal at the City of
Madison, Wisconsin this 24th day of June, 1987.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Stephen Schoenfeld
Stephen Schoenfeld, Chairman

Herman Torosian
Herman Torosian, Commissioner

Danae Davis Gordon
Danae Davis Gordon, Commissioner

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