

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Case 122  
No. 40541 ME-264  
Decision No. 26057

Mr. Jack Bernfeld and Mr. Darold Lowe, Staff Representatives, Wisconsin Council 40, AFSCME, AFL-CIO, 5 Odana Court, Madison, Wisconsin 53719, appearing on behalf of Local 65, AFSCME, AFL-CIO.

Madison Building and Construction Trades Council, Inc. having, on May 6, 1988, filed a petition requesting the Wisconsin Employment Relations Commission to clarify an existing bargaining unit of employees of Dane County currently represented by Local 65, AFSCME, AFL-CIO, by determining whether certain positions should be excluded from said bargaining unit; and hearing in this matter having been originally scheduled for August 8, 1988; and, per request of the County, the hearing having been postponed to October 11, 1988; and, per request of the Council, the hearing having been rescheduled to November 21, 1988; and a hearing in the matter having been conducted on November 21, 1988, and January 4, 1989, before Examiner Beverly M. Massing; 1/ and at hearing, AFSCME Local 65 having intervened in the proceeding as the current collective bargaining representative of the employees in question; and a stenographic transcript of the proceedings having been prepared, and received by January 18, 1989; and at hearing, the parties having been given the opportunity to present oral arguments and witnesses, and the parties having submitted post-hearing briefs by March 6, 1989; and the Commission having considered the evidence and arguments of the parties and being fully advised in the premises, makes and issues the following

**All full-time and regular part-time carpenters, electricians, painters and steamfitters employed by the County.**

No. 26057

5. That AFSCME Local 65 is the exclusive bargaining representative of the following bargaining unit in Dane County:

All employees of the Dane County Highway Department, Dane County Exposition Center, Zoo except casual employees, and all employees of the Dane County Regional Airport, excluding craft, supervisory, confidential, managerial, clerical and law enforcement employees and all other employees.

6. That on May 6, 1988, the Council filed a unit clarification petition with the Commission wherein it sought to exclude from the bargaining unit described in Finding of Fact 5 the positions of Operating Engineer, currently held by Warren Schuck, and Mechanical Repair Worker I, currently held by Roy Anderson, and to include said positions as steamfitters in the bargaining unit described in Finding of Fact 4.

7. That Warren Schuck has been employed by Dane County at the Dane County Exposition Center in the position of Operating Engineer since 1984; that Schuck has a high school education and has completed basic and advanced courses in refrigeration at Madison Area Technical College; that prior to being employed by the County, Schuck was employed by the University of Wisconsin Graduate School Biotron for approximately five years as a Maintenance Mechanic III; that prior to being employed at the University, Schuck was employed for approximately four years at the University of Wisconsin Hospital as a Maintenance Mechanic II; that as a Maintenance Mechanic II and Maintenance Mechanic III, Schuck was responsible for maintaining and repairing air handling systems, heating and refrigeration units, compressors, water systems, and plumbing; that in his previous employment with the Hospital, Schuck completed two years as a maintenance mechanic apprentice although he did not complete the apprenticeship program because he was hired into the position for which he was apprenticing; that the job description in 1984 and currently for the position of Operating Engineer at the Dane County Exposition Center is as follows:

#### OPERATING ENGINEER

##### DEFINITION

Under direction, to be responsible for the operation, maintenance and repair of heating, refrigeration, and air conditioning equipment at the Exposition Center; to perform semi-skilled preventive maintenance and construction work in a variety of building trades; and to do related work as required.

##### EXAMPLES OF DUTIES

Operates, maintains and repairs furnaces, boilers, water heaters, air conditioning and air handling units, compressors, motors, valves, gaskets, pumps and fans; installs, checks and repairs potable and sanitary plumbing and piping systems; operates and maintains ice making equipment; prepares, floods, resurfaces and paints ice surfaces; performs semi-skilled work in one or more building trades including electrical, mechanical, carpentry and reciprocating and internal combustion engine installation, maintenance and repair; repairs a variety of equipment and machines using gas and electric welding; Lays out work and estimates needed materials; reads and interprets blueprints, plans and repairs and parts manuals; may direct the work of others; prepares and keeps records of maintenance and repairs.

##### EMPLOYMENT STANDARDS

Education and Experience: Any combination of training and experience equivalent to high school graduation and three years of building and grounds maintenance experience in a variety of areas including mechanical, plumbing, carpentry, electrical and heating with substantial experience in the operation, maintenance and repair of complex air conditioning and refrigeration systems normally found in large buildings.

**Knowledge and Abilities:** Knowledge of the operation, maintenance and repair of boilers, heating equipment and related steam and water lines; knowledge of the operation, maintenance, and repair of complex air conditioning equipment and of ice making and ice surfacing equipment; knowledge of the principles, practices, tools and methods used in plumbing, mechanical, heating, carpentry and electrical trades; knowledge of preventive maintenance procedures related to mechanical, plumbing, heating, and electrical systems including water treatment and chemical feed systems; knowledge of applicable code requirements; knowledge of occupational hazards and safety precautions; ability to maintain and repair a variety of mechanical and electrical systems including plumbing, heating, air conditioning and refrigeration, and internal combustion engines; ability to build or repair various structures; ability to diagnose malfunctions and implement necessary repairs; ability to follow oral and written instructions including plans and specifications; ability to work cooperatively with and direct the work of others; ability to perform moderately heavy physical labor; ability to do gas and electric welding; ability to drive motorized vehicles.

**Special Requirements:** Must be available nights, weekends, and holidays as required by events and/or emergency situations and have or be eligible for a valid Wisconsin Driver's License.

that Schuck's immediate supervisor is the Building Maintenance Supervisor, Jack Kale, who is responsible to the Buildings and Grounds Superintendent, Marvin Peterson; that Schuck works primarily with one other employe, namely, Roy Anderson; that the major component of Schuck's work involves the operating, servicing, maintenance, and repair of the equipment for which he is responsible; that such work includes the disassembling and reassembling of air conditioning compressors, the repair and maintenance of steam, natural gas, and air conditioning piping, the repair and servicing of furnaces, boilers, chillers, evaporators, plumbing systems, and water lines, as well as ice making at the Exposition Center; and that such work has not included the replacement of boiler piping, the installation of new furnaces, or the overhaul of the compressor in the arena building.

8. That Roy Anderson was initially employed by the County at the Dane County Exposition Center in the position of Maintenance Worker II in 1973; that in 1976, Anderson's position was reclassified to his current position of Mechanical Repair Worker I; that Anderson has a high school education and completed the basic refrigeration course at Madison Area Technical College in 1985; that Anderson works primarily with Schuck in the repair and maintenance of air conditioning and ventilation systems at the Exposition Center; that such work includes the operation, maintenance, and repair of boilers, compressors, pumps, steam and water lines, fans, cooling towers, refrigeration, and plumbing systems as well as ice making, and welding; that Anderson cuts, fits, and installs piping for air, water, gas and steam lines; that Anderson's current job description is as follows:

#### MECHANICAL REPAIR WORKER I

##### DEFINITION

Under direction, to perform semi-skilled preventive maintenance, repair, and construction work in a variety of trades; and to do related work as required.

##### EXAMPLES OF DUTIES

Performs semi-skilled maintenance work in one or more crafts including carpentry, electrical work, internal combustion engine repair, heating and ventilating work or similar crafts requiring specialized skill; diagnoses, repairs, installs, services, and maintains electrical systems, including cables, power circuits, turbines, generators and control equipment,

and wires new or altered buildings; installs water piping; repairs and replaces pipes, valves, fittings and other fixtures; packs faucets; wipes and flushes joints; cleans out drains and obstructions in water and sewer systems; diagnoses, services, and repairs varied heating equipment such as boilers, heaters, heat exchanges, valves, gaskets, compressors, pumps and ventilating equipment; alters, repairs, and constructs articles and structures of wood performing necessary mill or cabinet work; lays out work and estimates job materials; reads and interprets blueprints; maintains equipment in clean and orderly condition; may direct the work of others.

#### EMPLOYMENT STANDARDS

Education and Experience: Any combination of training and experience equivalent to high school graduation and three years of building and grounds maintenance experience which includes substantial experience performing varied and responsible mechanical, plumbing, carpentry, heating, and electrical repair work.

Knowledges and Abilities: Knowledge of the principles, practices, tools and methods used in plumbing, mechanical, heating, carpentry, and electrical trades; knowledge of preventive maintenance procedures related to mechanical, plumbing, heating, and electrical systems including water treatment and chemical feed systems; knowledge of applicable code requirements, knowledge of occupational hazards and safety precautions; ability to maintain and repair a variety of mechanical and electrical systems including plumbing, heating and internal combustion engines; ability to build or repair various structures; ability to diagnose malfunctions and implement necessary repairs; ability to follow oral and written instructions including plans and specifications; ability to work cooperatively with and direct the work of others; ability to perform moderately heavy physical labor.

Special Requirements: For some positions a valid Wisconsin driver's license may be required.

that the job description for Mechanical Repair Worker II more closely describes the work currently done by Anderson; that the job description for Mechanical Repair Worker II is as follows:

#### MECHANICAL REPAIR WORKER II

##### DEFINITION

Under direction, to maintain and repair major building air conditioning systems; to perform skilled maintenance and repair work in a variety of trades; and to do related work as required.

##### EXAMPLES OF DUTIES

Maintains and repairs major building air conditioning systems, heating systems, and refrigeration units; performs skilled maintenance work in one or more additional trades; participates in preventive maintenance in emergency repair and in new construction; may repair, install, service, and maintain electrical systems, including cables, power circuits, generators and control equipment for air conditioning; may repair and replace pipes, valves, fittings and other fixtures; may pack faucets; may wipe and flush joints; may clean out drains and obstructions in water and sewer systems; lays out work and estimates job materials; reads and interprets blueprints; maintains equipment in clean and orderly condition; may lead helpers.

## EMPLOYMENT STANDARDS

Education and Experience: Any combination equivalent to completion of the eighth grade and three years of experience in the maintenance and repair of major building air conditioning and refrigeration systems.

Knowledges and Abilities: Knowledge of standard practices of air conditioning and related trades including materials, tools and procedures; knowledge of applicable code requirements; ability to use and care for tools of the trade; ability to work from plans and specifications and to follow oral and written instructions; ability to work cooperatively with others.

9. That the Constitution of the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada as revised and amended in 1966 and again in 1986 includes in part, the following work in its jurisdiction:

. . .

1. All piping for plumbing, water, waste, floor drains, drain grates, supply, leader, soil pipe, grease traps, sewage and vent lines.

. . .

3. All cold, hot and circulating water lines, piping for house pumps, cellar drainers, ejectors, house tanks, pressure tanks, swimming pools, ornamental pools, display fountains, drinking fountains, aquariums, plumbing fixtures and appliances, and the handling and setting of the above mentioned equipment.

4. All water services from mains to buildings, including water meters and water meter foundations.

5. All water mains from whatever source, including branches and fire hydrants, etc.

. . .

7. All liquid soap piping, liquid soap tanks, soap valves, and equipment in bath and washrooms, shower stalls, etc.

. . .

19. All internal and external piping on boilers, heaters, tanks and evaporators, water legs, water backs and water grates, boiler compound equipment, etc.

. . .

22. The setting, erecting and piping instruments, measuring devices, thermostatic controls, gauge boards, and other controls used in connection with power, heating, refrigerating, air conditioning, manufacturing, mining and industrial work.

23. The setting and erecting of all boiler feeders, water heaters, filters, water softeners, purifiers, condensate equipment, pumps, condensers, coolers, and all piping for same in power houses, distributing and boosting stations, refrigeration, bottling, distilling, and brewing plants, heating, ventilating and air-conditioning systems.

. . .

32. All piping for power, or heating purposes, either by water, air, steam, gas, oil, chemicals, or any other method.

33. All piping, setting and hanging of all units and fixtures for air-conditioning, cooling, heating, roof cooling, refrigerating, ice making, humidifying, dehumidifying dehydrating, by any method, and the charging and testing, servicing of all work after completion.

. . .

38. All air piping of every description.

. . .

41. The handling and setting of boilers, setting of fronts, setting of soot blowers, and attaching of all boiler trimmings.

42. All pipe transportation lines for gas, oil, gasoline, fluids and liquids, water aqueducts, and water lines, and booster stations of every description.

44. Laying out, cutting, bending and fabricating of all pipe work of every description, by whatever mode or method.

. . .

47. The handling and using of all tools and equipment that may be necessary for the erection and installation of all work and materials used in the pipe fitting industry.

48. The operation, maintenance, repairing, servicing and dismantling of all work installed by journeymen members of the United Association.

. . .

10. That the County recognizes the Council as the exclusive bargaining representative for all full-time and regular part-time steamfitters employed by the County; that there are currently no steamfitters in the Council's County unit; and that the County does not require the holders of the positions of Operating Engineer or Mechanical Repair Worker I to be card-carrying journeymen steamfitters.

11. That in 1970, the positions of Operating Engineer III and Operating Engineer IV were determined by the Wisconsin Employment Relations Commission to be craft steamfitter employes of the County; 2/ that the Commission applied the same definitional standards of a "craft" employe in resolving the earlier case as it applies today; that the County subsequently reclassified the two positions in question to Assistant Mechanical and Maintenance Plant Supervisor and Mechanical and Maintenance Plant Supervisor respectively; that on February 25, 1971, the County and Steamfitters Local 394 entered into a stipulation whereby the County recognized Local 394 as the collective bargaining representative for employes occupying the new classifications, in consideration for which Local 394 withdrew its Petition for Election filed with the Wisconsin Employment Relations Commission regarding the positions of Operating Engineer III and IV, then held by Wayne Lampman, Jr. and Robert Marks, respectively; that the County chose not to pursue its reclassification efforts, and Lampman and Marks continued in their positions of Operating Engineer III and Operating Engineer IV, respectively; that Lampman resigned from his position as Operating Engineer III, and that job title was subsequently eliminated; that Anderson was subsequently hired by the County as a Maintenance Worker II in 1973 to replace Lampman as assistant to Marks; that Marks resigned in 1983, to be replaced by Lon Hill; that Hill was replaced by Schuck as Operating Engineer in November, 1984; that Anderson performs substantially the

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2/ Dane County, Dec. No. 10027 (WERC, 11/70).

same duties today as did Lampman in 1971; and that Schuck performs substantially the same duties today as did Marks in 1971.

12. That on March 16 and May 16, 1989, the Commission received telegrams from Lane Kirkland, President, AFL-CIO asking that the matter be held in abeyance pending efforts to settle the dispute under provisions of the AFL-CIO Internal Disputes Plan; and that the Council has asked the Commission not to honor President Kirkland's request.

13. That Schuck and Anderson are skilled journeyman craftsman who spend a substantial period of time performing craft duties for the County.

#### CONCLUSION OF LAW

1. That the occupants of the positions of Operating Engineer and Mechanical Repair Worker I in the employ of Dane County are craft employes within the meaning of Section 111.70(1)(d) of the Municipal Employment Relations Act.

Based on the above and foregoing Findings of Fact and Conclusion of Law, the Commission makes and issue the following

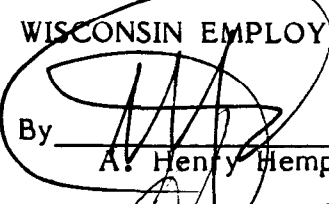
#### ORDER CLARIFYING BARGAINING UNIT 3/

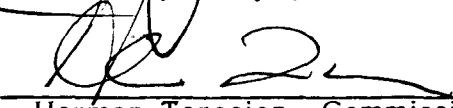
That the positions of Operating Engineer and Mechanical Repair Worker I in the employ of Dane County shall be, and hereby are, included in the collective bargaining unit of craft employes of Dane County, and presently represented by the Madison Building and Construction Trades Council, Inc., described in Finding of Fact 4, supra.

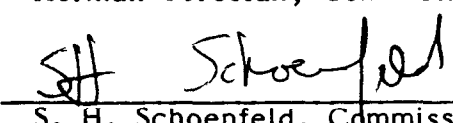
Given under our hands and seal at the City of  
Madison, Wisconsin this 16th day of June, 1989.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
A. Henry Hempe, Chairman

  
Herman Torosian, Commissioner

  
S. H. Schoenfeld, Commissioner

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- 3/ 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.

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.

(Footnote 3/ Continued on Page 8)

(Footnote 3/ Continued)

(a) Proceedings for review shall be instituted by serving a petition therefore 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.



## DANE COUNTY

### MEMORANDUM ACCOMPANYING FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER CLARIFYING BARGAINING UNIT

#### POSITIONS OF THE PARTIES

##### Council

The Council argues that Anderson and Schuck are craft steamfitter employees and appropriately part of its bargaining unit. The Council contends that the duties performed by both employees fall within the work jurisdiction of the United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry (AFL-CIO), and that Schuck and Anderson spend a majority of their time performing steamfitter work as defined by the Association. Further, the Council alleges that no other employees do the type of work performed by Schuck and Anderson. The Council also points out that Schuck and Anderson are doing virtually the same work today as did Lampman and Marks in 1970 when the Commission found them to be craft steamfitter employees of the County, and therefore appropriately included as a separate craft unit. The Council argues that Schuck and Anderson are also doing the same work today as the reclassified positions of Assistant Mechanical and Maintenance Plant Supervisor and Mechanical and Maintenance Plant Supervisor were defined by the County in 1971, and found to be craft steamfitter work by the County Board.

The Council urges the Commission to deny President Kirkland's request that the matter be held in abeyance arguing that the request is untimely and that only the Commission has jurisdiction to determine the status of the two disputed individuals.

##### County

The County argues that neither Schuck nor Anderson have the skills or training necessary to qualify as craft employees. The County also contends that the 1970 proceedings before the Wisconsin Employment Relations Commission are neither relevant nor determinative of the status of the two employees, and can be distinguished from the present case. The County argues in this regard that the instant record does not allow a definitive comparison to be made between the duties in 1970 and the present and that, unlike the employees at issue in 1970, neither Schuck or Anderson have the requisite training or experience sufficient for "journeyman" status. Further, the County points out that the County does not require the two positions at issue, namely, Operating Engineer and Mechanical Repair Worker I, to have journeyman status, and that the County has chosen to not hire steamfitters but rather contract out that work. The County contends that the nature, scope, and extent of the work performed by Schuck and Anderson does not warrant a finding that they are craft employees, and that the job consists mainly of preventive maintenance activities. The County argues that because Schuck and Anderson do not exercise the "whole gamut of skills" required of steamfitters, they are more aptly characterized as jack-of-all-trades maintenance employees who share a community of interest with other maintenance employees in AFSCME Local 65.

The County asserts that the Commission should honor President Kirkland's request only if the AFL-CIO Internal Disputes Plan determines that the positions remain in the AFSCME unit.

##### Union

The Union argues that there is no evidence that Council Local 394 ever represented the positions at issue, and if it ever did, it has long since abandoned them. Further, the Union contends that the Wisconsin Employment Relations Commission has interpreted the definition of a craft employee to mean an employee with a substantial period as an apprentice or with comparable training. Finally, the Union contends that if the Wisconsin Employment Relations Commission finds the positions to be craft, the Commission is precluded from placing the positions in the Council bargaining unit by Article 20 of the AFL-CIO Constitution which prohibits the "raiding" of affiliate units through unit clarification proceedings. According to the Union, the only options available to the Commission

as to the two positions are inclusion in a separate craft bargaining unit represented by Local 65, or continued inclusion in the noncraft unit to which they now belong.

The Union urges the Commission to honor President Kirkland's request that the matter be held in abeyance.

## DISCUSSION

AFSCME has asked that we hold the instant matter in abeyance pursuant to AFL-CIO President Lane Kirkland's March 16 telegram which asserts that the AFL-CIO "can try to settle matter under provisions of the AFL-CIO internal dispute plan". We conclude that it is inappropriate to honor President Kirkland's request. As persuasively argued by the Council, the Commission has the exclusive statutory jurisdiction to determine whether the employees in question are "craft employees" within the meaning of Sec. 111.70(1)(d), Stats. and to administer Sec. 111.70(4)(d)(2)(a), Stats. as to bargaining unit determinations. Where, as here, the party filing the petition for unit clarification continues to ask that we exercise our exclusive jurisdiction despite the alleged availability of an alternative dispute resolution procedure, we will proceed.

A prior decision of the Commission regarding the inclusion or exclusion of a position in a bargaining unit is entitled to determinative weight in a subsequent proceeding absent a material change of circumstances. 4/ It is clear from the testimony adduced at hearing that no material change in circumstances exists, and thus, the 1970 determination of the Commission that the positions should be included in the "craft" unit is therefore relevant and determinative. 5/

Section 111.70(1)(d), Stats. defines a "craft employee" as "a skilled journeyman craftsman, including his apprentices and helpers, but shall not include employees not in direct line of progression in the craft." When determining in 1970 whether the two earlier positions, namely, Operating Engineers III and IV, were craft, we looked to the actual tasks performed by the holders of those positions, their training and experience, and whether the work fell within the jurisdiction of craft steamfitters as determined by the Constitution of the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry. On the basis of these factors, we concluded that the holders of the positions of Operating Engineer III and IV were craft steamfitter employees. The County has argued that the earlier proceedings are irrelevant because the extent of the duties performed by the holders of the positions of Operating Engineers III and IV, Marks and Lampman, in 1970 was never established, and therefore cannot be compared to the current positions. However, evidence and testimony at hearing established that the extent of the work performed by Schuck and Anderson in a steamfitter capacity is at least equal to the work performed in 1970 by Marks and Lampman. Indeed, Superintendent Peterson testified that maintenance work on potable water lines and toilet facilities, as well as on mechanical equipment, had actually increased substantially because of the age of the equipment. 6/ The comparisons of the earlier job descriptions with the current work performed by Schuck and Anderson, as well as the testimony of Peterson, provide sufficient evidence to support a finding of work equivalency. Thus, our earlier determination is clearly relevant to this matter.

Having concluded it is clear that Schuck's duties and responsibilities are substantially the same as the former Operating Engineer IV position, and that Anderson is performing the same tasks as the former Operating Engineer III position, we turn to the County's contention that Schuck and Anderson lack the requisite training or experience. While we acknowledge that Schuck and especially

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4/ City of Milwaukee, Dec. No. 6960-J (WERC, 5/89).

5/ We acknowledge that when the Commission reached its decision in 1970, the term "craft employee" was not statutorily defined. However, in our view, the present statutory definition of "craft employee" is the functional equivalent of the decisional standards set forth in Winnebago County, Dec. No. 6043 (WERC, 7/62) which were operative in 1970.

6/ Tr. #2 at p. 19.

Anderson have limited formal training as steamfitters, we are satisfied that they now possess experience, albeit largely acquired as County employees, to compare favorably with the training/experience possessed by the employees at issue in 1970.

Lastly, we note that the current jurisdiction of craft steamfitters as determined by the United Association is identical to that noted by the Commission in reaching its decision in 1970, thereby completing the relevant comparison between the current positions and the ones at issue in 1970.

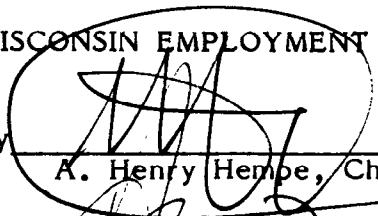
The fact that the County does not require the occupants of the positions of Operating Engineer and Maintenance Repair Worker I to be "steamfitters", does not "expect" journeyman status level work from the holders of these positions, and may not pay Schuck and Anderson "craft" wages are not determinative in light of the work performed and Schuck and Anderson's training and experience. Nor is the County's argument persuasive that because Schuck and Anderson do not perform the "whole gamut" of steamfitter tasks, they should be classified as jack-of-all-trades employees. There is no such "gamut" requirement in Sec. 111.70(1)(d), Stats.

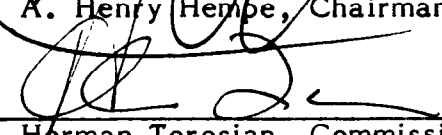
Given our conclusions, it is appropriate that we order that the positions in question be included in the existing "craft" unit represented by the Council.

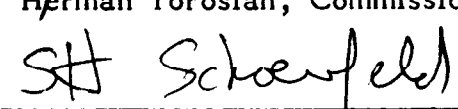
Dated at Madison, Wisconsin this 16th day of June, 1989.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
A. Henry Hempe, Chairman

  
Herman Torosian, Commissioner

  
S. H. Schoenfeld, Commissioner