

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of
WISCONSIN COUNCIL 40, AFSCME, AFL-CIO
Involving Certain Employees of
WALWORTH COUNTY METROPOLITAN SEWERAGE DISTRICT

Case 2
No. 54823
ME-3574

Decision No. 29527

Appearances:

Mr. Michael J. Wilson, Staff Representative, Wisconsin Council 40, AFSCME, AFL-CIO, 8033 Excelsior Drive, Suite B, Madison, Wisconsin 53717-1903, appearing on behalf of Wisconsin Council 40, AFSCME, AFL-CIO.

Axley Brynerson, LLP, by **Attorney Michael J. Wescott** and **Attorney Leslie A. Fiskey**, P.O. Box 1767, Madison, Wisconsin 53701-1767, appearing on behalf of Walworth County Metropolitan Sewerage District.

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DIRECTION OF ELECTIONS

On January 24, 1997, Wisconsin Council 40, AFSCME, AFL-CIO filed a petition with the Wisconsin Employment Relations Commission seeking an election among "All full-time and regular part-time employees of the Walworth County Metropolitan Sewerage District excluding supervisory, confidential, seasonal and managerial employees." The petition was held in abeyance for a period of time. A hearing was ultimately held on September 23, 1998, in Elkhorn, Wisconsin, before Examiner Daniel Nielsen.

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In the course of the hearing, the petition was amended by stipulation to remove the exclusion for seasonal employees and insert the word "regular" in the description of full-time employees. Council 40 raised the question of the possible confidential status of Donna Kozlowski and/or Cindy Moehling, and the supervisory or professional status of Thomas Johnson. The District took the position that all three of these employees should be included in the bargaining unit as non-professional municipal employees. The Examiner raised the possible craft status of Electricians Kenneth Esch and John Hartford. Council 40 took the position that they were craft employees, and the District took the position that they were not craft employees.

A transcript of the hearing was received on October 1, 1998, and the parties submitted post-hearing briefs and reply briefs, the last of which was received on November 2, 1998. The record was closed on January 5, 1999, upon receipt of a letter from Council 40 responding to a request from the Commission for a clarification of Council 40's interest in representing any professional or craft employees. In its letter, Council 40 advised that it was only seeking to represent any professional or craft employees as part of an overall bargaining unit.

Having considered the matter and being fully advised in the premises, the Commission makes and issues the following

FINDINGS OF FACT

1. Wisconsin Council 40, AFSCME, AFL-CIO, hereinafter referred to as the Union, is a labor organization. Its principal business address is 8033 Excelsior Drive, Suite B, Madison, Wisconsin 53717-1903.

2. The Walworth County Metropolitan Sewerage District, hereinafter referred to as either Walcomet or the District, is a municipal employer providing sewage treatment and disposal services for citizens in and around Elkhorn in southeastern Wisconsin. The District's principal business address is 975 West Walworth, Elkhorn, Wisconsin 535115. Joseph Cannestra is the Administrator of the District, Steven Miller is the Chief of Operations, and Steven Scheff is the Chief of Maintenance.

In conducting its operations, the District employs the following 25 employees:

<u>Incumbent</u>	<u>Position</u>
Cannestra, Joseph	Administrator
Greig, Kathryn M.	Secretary/Clerk (Seasonal)
Kozlowski, Donna L.	Secretary/Clerk
Moehling, Cindy M.	Accountant/Clerk

Ormsen, Patricia	Secretary/Clerk
Peterson, Sigrid Elizabeth	Secretary/Clerk (Seasonal)
Miller, Steven	Chief of Operations-Operator 4
Greenlee, Raymond	Operator 4
Mulloy, Jeffrey M.	Operator 4
Vaughn, Terrance P.	Operator 4
Polazzo, Mark G.	Operator 1
Johnson, Thomas J.	Buildings & Grounds Supervisor-Operator; Industrial Pretreatment Program Supervisor
Scheff, Steven	Chief of Maintenance-Operator 2
Hinson, Curtis P.	Maintenance-Lift Stations
Collins, Donald J.	Maintenance
Syrowiec, James J.	Maintenance
Wantschik, Emmerich P.	Maintenance
Wilson, Paul E.	Maintenance
Esch, Kenneth J.	Electrician
Hartford, John	Electrician
Borgo, Peter M.	Laboratory Technician / Supervisor-Operator
Clothier, Caroline J.	Lab Technician (Seasonal)
Sepp, James R.	Lab Technician (Seasonal)
Serpe, Ann	Lab Technician
Tinberg, Dan	Lab Assistant (Seasonal)

3. Joseph Cannestra administers the District and personally handles all significant personnel matters in consultation with outside counsel. The fax machine used to communicate with counsel is located in Cannestra's office and he exercises effective control over it. The personnel files of employees are located in a safe room near Cannestra's office and confidential files are maintained in Cannestra's desk. Employees do not have routine access to confidential personnel communications.

Donna Kozlowski is the Secretary/Clerk in the administrative offices of the District. Kozlowski does not have any involvement in personnel matters, nor does she in the course of her duties have access to confidential information relating to personnel.

Cindy Moehling is the Accountant/Clerk in the administrative offices of the District. Moehling does not have any involvement in personnel matters, nor does she in the course of her duties have access to confidential information relating to personnel. Moehling acts as a conduit for information, complaints, work directives and leave requests between Cannestra and Kozlowski, but does not exercise any discretion or independent judgment with respect to these matters.

4. Thomas Johnson holds the job titles of "Buildings & Grounds Supervisor-Operator" and "Industrial Pretreatment Program Supervisor" in a combined position. He became the Building and Grounds Supervisor in the mid 1980's. At the time, he was advised that he could impose discipline on employees. Shortly after assuming the title, he recommended to Cannestra that an employee who was insubordinate be suspended for a day. Cannestra assessed the matter and imposed a one-day suspension. Johnson has not been involved in any other disciplinary matters since that time and Cannestra has since assumed independent responsibility and control over all disciplinary matters. Cannestra also makes all hiring decisions and Johnson does not routinely play any role in the hiring process, the evaluation of employees, or in the transfer, layoff, recall or promotion of employees.

Johnson spends approximately one third of his time working as the Supervisor of Buildings and Grounds. Johnson performs the normal work of Buildings and Grounds, including mowing, trimming, snow plowing, and building maintenance. Of the time he devotes to Buildings and Grounds, Johnson spends approximately 10% in devising work schedules, assigning people to jobs and insuring that they rotate through the jobs. Johnson also insures that the assigned work is done.

Roughly two-thirds of Johnson's time is spent on the Industrial Pretreatment program. The Industrial Pretreatment program is intended to educate businesses in how to properly handle their waste material to minimize toxicity in industrial discharges. Johnson also oversees a biosolids recycling program for spreading sludge as a fertilizer over farm fields. Finally, he is responsible for overseeing maintenance functions at the lift stations and in the collection system. He does public relations and education work, and files regular reports with state and federal governmental agencies. These programs operate without any regularly assigned staff other than Johnson, and he draws upon available employees from other functional areas when the need arises.

The current job description for the position of Industrial Pretreatment Program Supervisor was created by the District in July of 1998, and describes the position as:

Position Description

A. Job Summary

The Pretreatment Program Supervisor has the overall responsibility for the operational and procedural requirements of the Industrial Pretreatment Program, Biosolids Management Program and supervision of the operation and maintenance of the District's collection system and pumping stations.

The supervisor performs professional level work concerned with the regulation of industrial wastewater discharges and biosolids recycling in compliance with State and Federal Regulations and planning and scheduling maintenance at the District's pumping stations and collection system.

B. Duties and Responsibilities

Duties include but are not limited to:

Pretreatment Program

1. Performs industrial inspections and maintains the Industrial Users' List
2. Performs industrial user monitoring, including the collection of flow data and industrial wastewater samples.
3. Writes permits for industrial dischargers
4. Manages all data collected from industrial users and from inspections and monitoring by the District
5. Completes and files complex and detailed reports required by state and federal agencies.
6. Confers with industrial users, engineers and others regarding industrial pollution problems and works to solve the problems, reducing discharges and developing pretreatment processes.
7. Enforces all local, state and federal regulations on industrial wastewater effluent concentrations and characteristics
8. Works with the Wisconsin DNR, U.S. EPA and other regulatory agencies

9. Keeps abreast of new developments in the field of industrial wastewater treatment
10. Suggests and implements improvements to the Pretreatment Program
11. Performs related duties, as required.

Biosolids' Management Program

1. Contacting and coordinating with farmers and scheduling recycling operations
2. Supervise and participate in sludge recycling
3. Calculate loading and application rates
4. Obtaining and approval of new site
5. Soil sampling and site mapping
6. Suggest and implement improvements to program
7. Performs related duties, as required

Lift Station and Collection System

1. Planning all preventive and corrective maintenance procedures at pumping stations, force mains and gravity sewers
2. Scheduling all maintenance work
3. Assuring completion and quality of maintenance work
4. Suggesting and implementing improvement in Maintenance Program
5. Performs related duties, as required

All of the above work is performed independently under the general supervision of the Superintendent of Wastewater Operations.

C. Qualifications Required

Required knowledge, skills and abilities:

1. Thorough knowledge of the processes used in wastewater treatment
2. Thorough knowledge of the chemical and physical properties of industrial and municipal wastewater
3. Thorough knowledge of industrial pollution as well as local, state and federal pretreatment standards
4. Ability to accurately follow oral or written instructions and express oneself concisely; both orally and in writing
5. Ability to establish and maintain good public relations
6. Ability to work independently under general supervision and make good, independent judgements
7. Ability to maintain and evaluate records
8. Ability to react promptly and effectively in emergencies
9. Knowledge of District, state and federal safety standards as well as the ability to comply with these standards
10. Ability to establish and maintain effective employee interrelationships, stressing communications and cooperation
11. Possess a valid Wisconsin Operator's (Driver's) License
Possess valid Wisconsin Commercial Driver's License with proper endorsement or obtain within one year.
12. Ability to read blueprints

DESIRABLE TRAINING AND EXPERIENCE

1. High School diploma and technical college
2. Completion of industrial wastewater treatment courses, industrial pre-treatment facility inspection courses, etc.

3. Wisconsin grade II Operator Certification (including Special K)
4. Considerable responsible experience in the field of wastewater treatment and pollution control
5. Graduation from an accredited college in sanitary engineering, chemistry and/or biology
6. Any equivalent combination of experience and training which provides and required qualification.

Johnson himself holds a two-year degree in fluid power from Gateway Technical College. The required knowledge for the work of the position is that which would customarily be obtained through experience as a skilled treatment plant operator, technical training and completion of the Operator Certification process.

5. John Hartford is employed as an Electrician. He is a journeyman in the electrician's craft, and performs maintenance jobs primarily within the scope of that craft. Kenneth Esch is also employed as an Electrician. He works with Hartford, and is being trained to replace Hartford, who is nearing retirement. Esch works primarily on electrical switches and maintaining computerized systems.

6. The Accountant/Clerk in the administrative offices of the District performs duties which do not, and will not foreseeably, provide her with access to, knowledge of, or participation in confidential labor relations activities sufficient to be a confidential employee.

7. The Secretary/Clerk in the administrative offices of the District performs duties which do not, and will not foreseeably, provide her with access to, knowledge of, or participation in confidential labor relations activities sufficient to be a confidential employee.

8. The Buildings & Grounds Supervisor-Operator / Industrial Pretreatment Program Supervisor does not possess supervisory responsibilities in sufficient combination and degree to be a supervisor.

9. The duties of the Industrial Pretreatment Program Supervisor do not require knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher education or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual or physical process.

10. John Hartford is a skilled journeyman in the electrician's craft.

11. Kenneth Esch is an apprentice and helper in the electrician's craft.

Based on the above and foregoing Findings of Fact, the Commission makes and issues the following

CONCLUSIONS OF LAW

1. A question concerning representation within the meaning of Sec. 111.70(4)(d)3, Stats., exists within the following collective bargaining unit deemed appropriate within the meaning of Sec. 111.70(4)(d)2.a., Stats.:

All regular full-time and regular part-time employees of the Walworth County Metropolitan Sewerage District excluding supervisors and confidential, managerial and executive employees.

2. The Accountant/Clerk is not a confidential employee within the meaning of Sec. 111.70(1)(i), Stats., and therefore is a municipal employee within the meaning of Sec. 111.70(1)(i), Stats.

3. The Secretary/Clerk is not a confidential employee within the meaning of Sec. 111.70(1)(i), Stats., and therefore is a municipal employee within the meaning of Sec. 111.70(1)(i), Stats.

4. The Buildings & Grounds Supervisor-Operator/Industrial Pretreatment Program Supervisor is not a supervisor within the meaning of Sec. 111.70(1)(o)1, Stats., and therefore is a municipal employee within the meaning of Sec. 111.70(1)(i), Stats.

5. The Buildings & Grounds Supervisor-Operator/Industrial Pretreatment Program Supervisor is not a professional employee within the meaning of Secs. 111.70(1)(L), Stats.

6. The Electricians are craft employees within the meaning of Sec. 111.70(1)(d), Stats.

Based upon the above and foregoing Findings of Fact and Conclusions of Law, the Commission makes and issues the following

DIRECTION OF ELECTIONS

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 Directive in the following voting groups:

Voting Group 1

All regular full-time and regular part-time employees of the Walworth County Metropolitan Sewerage District, excluding professional employees, supervisors and confidential, managerial and executive employees, and conditionally excluding craft employees, who were employed on January 14, 1999, 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 for the purposes of collective bargaining with the Walworth County Metropolitan Sewerage District by Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, or to be unrepresented.

Voting Group 2

All regular full-time and regular part-time craft employees of the Walworth County Metropolitan Sewerage District, excluding supervisors and confidential, managerial and executive employees, and all other employees, who were employed on January 14, 1999, except such employees as may prior to the election, quit their employment or be discharged for cause, for the purpose of determining (1) whether a majority of said employees desire to be included in a single collective bargaining unit with the non-craft employees in Voting Group 1 and (2) whether a majority of such employees voting desire to be represented for the purposes of collective bargaining with the Walworth County Metropolitan Sewerage District by Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, or to be unrepresented.

If a majority of the employees in Voting Group 2 vote to be included in a single bargaining unit with the non-craft employees in Voting Group 1, then their representation ballots will be co-mingled with those of the employees in Voting Group 1.

If a majority of the employees in Voting Group 2 do not vote to be included in a single bargaining unit with the non-craft employees in Voting Group 1, then their representation ballots will not be counted.

Given under our hands and seal at the City of Madison, Wisconsin, this 14th day of January, 1999.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Meier /s/

James R. Meier, Chairperson

A. Henry Hempe /s/

A. Henry Hempe, Commissioner

Paul A. Hahn /s/

Paul A. Hahn, Commissioner

WALWORTH COUNTY METROPOLITAN SEWERAGE DISTRICT

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

At issue in this case are the Union's claims that:

1. The Buildings & Grounds Supervisor-Operator / Industrial Pretreatment Program Supervisor is either a supervisor or a professional employee.
2. The Accountant/Clerk or the Secretary/Clerk will function as a confidential employee should the work force become represented by the Union.
3. The Electricians are craft employees.

Each of these claims is addressed in turn.

Supervisory Status of Johnson

The Union asserts that Johnson is a supervisor because he has significant independent disciplinary authority. It cites Johnson's testimony that when he became Building and Grounds Supervisor, Cannestra gave him the authority to independently impose discipline up to and including the discharge of employees.

The District contends that Johnson is not a supervisor. It argues that the record as a whole does not support the Union's contention that Johnson possesses significant disciplinary authority. It cites the testimony of Administrator Cannestra and Chief of Operations Miller to the effect that Cannestra is the sole authority with regard to disciplining employees. The District notes that Johnson played no role in the termination of either of the two employees discharged by the District in the last 15 years and that it was Cannestra, not Johnson, who suspended an employee who was insubordinate to Johnson shortly after Johnson became Building and Grounds Supervisor.

The District alleges that Johnson plays no role in the hiring of employees; that the majority of his work time is spent alongside other District employees; that Johnson is supervising activities, not employees; and that his exercise of any type of arguably supervisory responsibility is limited to the scheduling and assignment of maintenance work.

Section 111.70(1)(o)1, Stats., defines a supervisor as being:

any individual who has authority, in the interest of the municipal employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees, or to adjust their grievances or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

Johnson oversees the work of the employees who maintain the buildings and grounds and spends the great majority of his time in that role performing the same work as do his nominal subordinates. Of the one-third of his time devoted to the buildings and grounds function, 90% is devoted to mowing, trimming, snow plowing, and building maintenance work which is identical to that of the other workers in buildings and grounds. Approximately 10% of his time in buildings and grounds is devoted to scheduling work. He does not play any role in hiring or evaluating employees, does not approve leave requests, and does not have any significant independent authority.

The sole evidence suggesting that Johnson is a supervisor is a statement he attributes to Cannestra when Johnson became Building and Grounds Supervisor approximately 15 years ago to the effect that Johnson could discipline employees on his own authority. Shortly thereafter, he asked that an employee be suspended for insubordination. The employee was suspended, but only after Cannestra reviewed the matter and decided to suspend the employee. More importantly, Cannestra credibly testified that he now retains control over all disciplinary matters. Accordingly, we conclude that Johnson now does not effectively recommend discipline or have any significant independent disciplinary authority.

The absence of any significant supervisory authority distinguishes Johnson from the chemist found to be a supervisor in CITY OF FOND DU LAC, DEC. NO. 8168-D (WERC, 7/98). Contrary to the view of the Union, the chemist did have significant supervisory authority in that he could effectively recommend discipline and would play a significant role in hiring a replacement for the employee he supervised.

Given all of the foregoing, Johnson is not a supervisor.

Professional Status of Johnson

The Union argues that Johnson is a professional employee based on his duties as Industrial Pretreatment Program Supervisor. It contends that based on his job description and

his testimony as to his duties, the Commission should conclude Johnson's work is "predominately intellectual and varied in character" and requires knowledge "of an advanced type . . . customarily acquired . . . in an institution of higher education . . ."

The District asserts that Johnson is not a professional employee. It argues that Johnson's duties are not "predominately intellectual and varied in character," do not involve the "consistent exercise of discretion and judgment," and do not require knowledge of a type "customarily acquired by a prolonged course of specialized instruction and study in an institution of higher learning." The District contends that although Johnson's responsibilities to insure compliance with state and federal regulatory requirements may involve use of technical knowledge and expertise, he is not a professional employee.

A professional employee is defined in Sec. 111.70(1)(L), Stats., as:

(L) "Professional employee" means:

1. Any employee engaged in work:

a. Predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical or physical work;

b. Involving the consistent exercise of discretion and judgment in its performance;

c. Of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time;

d. Requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher education or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual or physical process; or

2. Any employee who:

a. Has completed the courses of specialized intellectual instruction and study described in subd. 1. d.;

b. Is performing related work under the supervision of a professional person to qualify to become a professional employee as defined in subd. 1.

In CHIPPEWA COUNTY, DEC. NO. 10497-B (WERC, 4/98) we recently discussed the significance of an advanced degree in determining professional status under the statute:

In KENOSHA UNIFIED SCHOOL DISTRICT, DEC. NO. 10558-C (WERC, 12/94), the Commission recited a number of factors that have been given weight in its case-by-case determinations in prior cases applying the Sec. 111.70(1)(L)1.d. requirement to computer-related positions:

As we noted in BROWN COUNTY, DEC. NO. 7954-F (WERC, 3/91),

. . . the statute does not require that the incumbent of a position hold a college degree for the position to be found professional. This is true because the statute defines a professional position as one that cannot be performed without knowledge of certain kind, i.e., that which is usually acquired through "a prolonged course of specialized intellectual instruction and study in an institution of higher education or a hospital." In other words, the course of study is a definition of the required knowledge which is the criterion, but is not the criterion itself. It necessarily follows that some professional positions require this kind of knowledge even though the incumbent acquired it through means other than a formal program of instruction or a college degree.

Thus, in OUTAGAMIE COUNTY, DEC. NO. 21143-A (WERC, 10/86) and SUN PRAIRIE, DEC. NO. 20841-B (WERC, 10/86), cited by the County, the Commission found that although the incumbents did not possess a degree, the required knowledge was of the type customarily acquired through social work and engineering degrees, respectively and therefore satisfied the Sec. 111.70(1)(L)1.d. test.

By the same token, it follows that an employer might insist an applicant for a position hold certain specialized educational credentials, but if the performance of the job duties does not require that body of knowledge, the position would not be found to be professional. In other words, an employer cannot cause a position to be professional within the meaning of the Statute by establishing educational standards which do not provide the knowledge necessary to fulfill the tasks associated with the position.

Thus, the professional status of a position does not turn on the incumbent's possession of an advanced degree or a stated requirement of an advanced degree. Instead, the relevant inquiry is whether performance of the tasks associated with the job itself requires a body of knowledge which meets the requirements of Sec. 111.70(1)(L)1.d., Stats.

The job description for the Industrial Pretreatment Program Supervisor does refer to the incumbent as performing "professional level work" and references a college degree in one of several specific technical fields as "Desirable Training." However, considering the record as a whole, we are not persuaded that Johnson's work requires "knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher education." Instead, his duties require knowledge customarily acquired through technical training, operator certification and experience. Thus, Johnson is not a professional employee.

In reaching this conclusion, we have considered the Union's argument that the listing of a specialized college degree as "Desirable Training" should serve to distinguish this position from the Special Projects Supervisor found to be non-professional in CITY OF LACROSSE, DEC. NO. 7833-C (WERC, 1/94). However, while such a degree is no doubt "desirable," the statute directs us to determine whether the work "requires" knowledge customarily acquired through obtaining a specialized college degree. As was true in LACROSSE, we have concluded the work does not require such knowledge.

Given our conclusion as to the impact of Sec. 111.70(i)(L)1.d., Stats., we need not determine whether Johnson's work meets the requirements of Sec. 111.70(1)(L)1.a., b. or c., Stats.

Confidential Status of Moehling and Kozlowski

In its briefs, the Union concedes that neither Moehling or Kozlowski are presently confidential employees. The Union further concedes that based on Cannestra's testimony as to how he anticipates he will handle collective bargaining and contract administration if the Union becomes the collective bargaining representative, there is no basis for concluding that either employee will become confidential in the future. The District concurs with the Union's view of the record.

The record fully supports the parties' view that Moehling and Kozlowski are not presently confidential employees and that there is no basis in the record for concluding that Cannestra will assign them significant confidential duties in the future. Thus, they are municipal employees eligible to vote in the election.

Craft Status of Esch and Hartford

The Union contends that both employees are "craft employees" within the meaning of Sec. 111.70(1)(d), Stats. It argues that Hartford is a journeyman electrician and that Esch is expected to begin formal electrician apprenticeship training and is being groomed as Hartford's replacement upon Hartford's retirement.

The District asserts that neither employee is a craft employee. It alleges that it does not require apprentice or journeyman status for the work in question and notes that although Hartford and Esch perform basically the same job, Esch is not an apprentice or a journeyman.

According to Sec. 111.70(1)(d), Stats., a craft employee is ". . . a skilled journeyman craftsman, including the skilled journeyman craftsman's apprentices and helpers, but shall not include employees not in direct line of progression in the craft."

We are satisfied that Hartford is a craft employee. He enjoys journeyman status as an electrician, was hired specifically to work on the District's electrical equipment and regularly performs that work.

Esch is not a journeyman electrician, and is not currently involved in a formal apprenticeship within the trade. However, he was hired to perform electrical work, and is being groomed by Hartford and the District to succeed Hartford upon Hartford's retirement. We have held that even where an employee is not formally in an apprenticeship program, the requirements of Sec. 111.70(1)(d), Stats., are met by comparable training and experience. ADAMS COUNTY, DEC. NO. 27093 (WERC, 11/91); CITY OF HARTFORD, DEC. NO. 10645-A (WERC, 11/93); TOWN OF MADISON, DEC. NO. 24816-A (WERC, 3/94) Esch has received such training and experience from working with Hartford. Accordingly, we conclude Esch is a craft employee.

Dated at Madison, Wisconsin, this 14th day of January, 1999.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Meier /s/

James R. Meier, Chairperson

A. Henry Hempe /s/

A. Henry Hempe, Commissioner

Paul A. Hahn /s/

Paul A. Hahn, Commissioner