

BEFORE THE ARBITRATOR

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In the Matter of the Arbitration of a Dispute Between

**LANGLADE COUNTY HIGHWAY EMPLOYEES,  
LOCAL 36, AFSCME, AFL-CIO**

and

**LANGLADE COUNTY**

Case 86  
No. 57146  
MA-10528

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Appearances:

**Mr. David A. Campshure**, Staff Representative, Wisconsin Council 40, AFSCME, AFL-CIO, 1566 Lynwood Lane, Green Bay, WI 54311, appearing on behalf of Local 36.

Ruder, Ware & Michler, S.C., by **Attorney Jeffrey T. Jones**, 500 Third Street, Suite 700, P.O. Box 8050, Wausau, WI 54402-8050, appearing on behalf of Langlade County.

**ARBITRATION AWARD**

Langlade County Highway Employees, Local 36, AFSCME, AFL-CIO (hereinafter referred to as the Union) and Langlade County (hereinafter referred to as the County or the Employer) requested that the Wisconsin Employment Relations Commission designate a member of its staff as arbitrator for a series of grievances over the performance of bargaining unit work by foremen. Daniel Nielsen was designated. A hearing was scheduled for February 16, 1999, in Antigo, Wisconsin. In mediation prior to the hearing, the parties were able to arrive at an agreement resolving the grievances, and requested that the arbitrator issue a Consent Award incorporating the agreement. The arbitrator issued the Award from the bench, with the understanding that a formal written award would follow.

Now having considered the stipulations, the contract language, the agreement of the parties and the record as a whole, the undersigned makes the following Consent Award.

### CONSENT AWARD

Notwithstanding the provisions of Article 21(A), foremen may perform mechanical work in conjunction with a bargaining unit member. Foremen will normally do mechanical work only on their own equipment. However, in a snow removal operation, where all employes are working and the mechanics are otherwise occupied, a foreman may individually perform repairs to remedy a breakdown.

The major equipment assigned to the foremen is:

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|-------------------------|---|
| a. Shop Foreman         | All equipment   |
| b. Construction Foreman | Grader, Bulldozer, Scrapers                                       |
| c. Hot Mix Foreman      | Hot Mix Plant, Loader   |
| d. Paver Foreman        | Paver, Roller, Shouldering Machine                                |
| e. Crusher Foreman      | Crusher, Breaker, Screening Plant,<br>Conveyor, Surge Bin, Loader |

The Shop Foreman will perform mechanic's work only in conjunction with mechanics. Mechanical repairs to trucks will be performed by mechanics, with or without the involvement of the Shop Foreman.

Foremen will not operate equipment with the exception of the loader at the Hot Mix Plant during employe breaks, and as the second man on the back of the screed before the summer help is hired and after the summer help leaves for the season. Foremen may also assist in the changing of blades.

This agreement does not expand or narrow the current practices with respect to foremen performing operations.

Dated at Racine, Wisconsin, this 19<sup>th</sup> day of February, 1999.

Daniel Nielsen /s/

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Daniel Nielsen, Arbitrator