

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS BOARD

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In the Matter of the Petition of :

EAU CLAIRE COUNTY HIGHWAY DEPARTMENT :  
EMPLOYEES, LOCAL 254, AFSCME, AFL-CIO :

Involving Employees of :

EAU CLAIRE COUNTY WISCONSIN IN THE :  
EMPLOY OF THE COUNTY HIGHWAY DEPARTMENT :

Case II  
No. 8828 ME-65  
Decision No. 6145

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Appearances:

Mr. Robert J. Oberbeck, Executive Director of the Wisconsin  
Council of County and Municipal Employees, for the Petitioner.

Mr. Edmund A. Nix, District Attorney, for the Municipal Employer.

DIRECTION OF ELECTION

The above named Petitioner, having petitioned the Wisconsin Employment Relations Board to conduct an election pursuant to Section 111.70 of the Wisconsin Statutes, among certain employees of the above named Municipal Employer; and a hearing on such petition having been conducted at Eau Claire, Wisconsin, on September 26, 1962, James L. Greenwald, Examiner, being present; and the Board having considered the evidence and being satisfied that questions have arisen concerning the appropriate collective bargaining unit and concerning representation for certain employees of the Municipal Employer;

NOW, THEREFORE, it is

DIRECTED

That an election by secret ballot shall be conducted under the direction of the Wisconsin Employment Relations Board within sixty (60) days from the date of this Directive in the collective bargaining unit consisting of all full-time employees of Eau Claire County employed in the Eau Claire County Highway Department, excluding highway commissioner, assistant highway commissioner, patrol superintendents, confidential clerical personnel and supervisory personnel, who were employed by the Municipal Employer on October 24, 1962, except such employees as may prior to the election quit their employment or be discharged for cause, for the purpose of determining whether or not a majority of such employees desire to be represented by Eau Claire County Highway Department Employees Local 254, AFSCME, AFL-CIO, for the purposes of conferences and negotiations with the above named Municipal Employer on questions of wages, hours, and conditions of employment.

Given under our hands and seal at the  
City of Madison, Wisconsin, this 24th  
day of October, 1962.

WISCONSIN EMPLOYMENT RELATIONS BOARD

By Morris Slavney  
Morris Slavney, Chairman

J. E. Fitzgibbon  
J. E. Fitzgibbon, Commissioner

Arvid Anderson  
Arvid Anderson, Commissioner

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MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

At the hearing the Municipal Employer contended that Robert B. Schmitt, employed as a timekeeper and bookkeeper, and Roger B. Bauer, employed as a parts manager, be excluded from the bargaining unit on the basis that they are "part of the office force". The Union contends that said employees are not confidential clerical personnel and, therefore, should be included among the eligibles.

During the hearing the parties agreed to exclude, among others, from the eligibles, the accountant and the clerk-stenographer, both office personnel. Schmitt performs his duties in the department office where all records are kept. His primary duties entail collecting time slips and working on the payroll. Bauer purchases and distributes parts from the stock room. He has access to all department records which are also accessible to all taxpayers, except those records dealing with bidding on highway projects which must be kept secret until the bids are let.

The Board has held that confidential employees are those who are privy to the decisions of management with respect to personnel and labor policies. <sup>1/</sup> There is nothing in the record indicating that the primary duties of either Schmitt and Bauer make them privy to management's decisions in labor relations, nor that they have any substantial access to such records. The Board concludes that Schmitt and Bauer are not confidential employees and, therefore, they are to be considered included in the bargaining unit and eligible to participate in the election.

Dated at Madison, Wisconsin, this 24th day of October, 1962.

WISCONSIN EMPLOYMENT RELATIONS BOARD

By Morris Slavney  
Morris Slavney, Chairman

J. E. Fitzgibbon  
J. E. Fitzgibbon, Commissioner

Arvid Anderson  
Arvid Anderson, Commissioner

<sup>1/</sup> Winnebago County Hospital and Pleasant Acres Home, Dec. No. 6043, 7/62;  
Outagamie County Hospital and Golden Age Home No. 2, Dec. No. 6076, 8/62.