

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS BOARD

In the Matter of the Petition of

STEVENS POINT CITY EMPLOYEES, LOCAL 309,
AFSCME, AFL-CIO

Involving Employees of

STEVENS POINT BOARD OF EDUCATION,
STEVENS POINT AREA PUBLIC SCHOOLS,
DISTRICT NO. 1

Appearances:

Mr. Malcolm H. Blumson, Field Representative,
Wisconsin Council of County and Municipal Employees,

Stevens Point City Employees, Local 309, AFSCME, AFL-CIO,
for the Petitioner.

Mr. A. Moldenhauer, Superintendent of Schools,
Stevens Point City Employees, Local 309, AFSCME, AFL-CIO,
for the Municipal Employer;

Mr. A. Anderson, President, Board of Education,
for the Municipal Employer;

DIRECTION OF ELECTION

Stevens Point City Employees, Local 309, AFSCME, AFL-CIO,
having petitioned the Wisconsin Employment Relations Board to

conduct an election pursuant to Section 111.70 of the Wisconsin

Statutes, among certain employees in the employ of Stevens Point

Board of Education, Stevens Point Area Public Schools, District

No. 1; and a hearing on such petition having been conducted at

Stevens Point, Wisconsin, on June 1, 1966, by Donald B. Lee,

Examiner; and the Board having considered the evidence and being

satisfied that a question has arisen concerning representation for

certain employees of said Municipal Employer;

NOW, THEREFORE, it is

DIRECTED

That an election by secret ballot be conducted under the

direction of the Wisconsin Employment Relations Board within

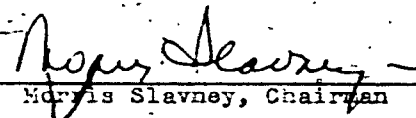
Case I
No. 10796 PB-211
Decision No. 7743

sixty (60) days from the date of this Direction in the collective bargaining unit consisting of all regular full-time and regular part-time custodial and maintenance employees of the Stevens Point Board of Education, Stevens Point Area Public Schools, District No. 1, excluding Supervisors and all other employees, who were employed by said Municipal Employer on June 1, 1966, 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 desires to be represented by Stevens Point City Employees Local 309, AFSOME, AFL-CIO, for the purposes of conferences and negotiations with said Municipal Employer on questions of wages, hours and conditions of employment.

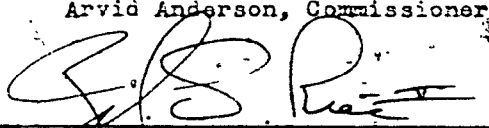
Given under our hands and seal at the City of Madison, Wisconsin, this 23rd day of August, 1966.

WISCONSIN EMPLOYMENT RELATIONS BOARD

BY


Morris Slavney, Chairman


Arvid Anderson, Commissioner


Zel S. Rice II, Commissioner

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS BOARD

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STEVENS POINT CITY EMPLOYEES, LOCAL 309
AFSCME, AFL-CIO
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STEVENS POINT BOARD OF EDUCATION,
STEVENS POINT AREA PUBLIC SCHOOLS,
DISTRICT NO. 1

Case I

No. 10796 ME-241

Decision No. 7713

MEMORANDUM ACCOMPANYING DECISION OF ELECTION

During the hearing the Municipal Employer contended that Adolph Sonnenberg, whose title since January 1, 1966 has been "Supervisor of Buildings and Grounds" is a supervisor, and as such should be excluded from the unit, and that Gregory Kirschling, John Mallick, Clarence Sherman and Ed Kruzicki, termed Head Custodians, should likewise be excluded because they are responsible for custodial services in buildings where more than one custodian customarily is employed, thus functioning as supervisors.

In determining whether an employer is a supervisor, the Board considers the following factors: 1/

1. The authority to recommend the hiring, promotion, transfer, discipline or discharge of employees.
2. The authority to direct and assign the work force.
3. The number of employees supervised, and the number of other persons exercising greater, similar or lesser authority over the same employees.
4. The level of pay, including an evaluation of whether the supervisor is paid for his skill or for his supervision of employees.

1/ Association of Graduate and Registered Engineers of Milwaukee, Decision No. 6960, 12/64

5. Whether the supervisor is primarily supervising an activity or is primarily supervising employees.

6. Whether the supervisor is a working supervisor, or whether he spends a substantial majority of his time supervising employees.

7. The amount of independent judgment and discretion involved in the supervision of employees.

In the light of the aforementioned factors we have determined that Sonnenberg is a supervisor.. The record indicates that as Supervisor, Buildings and Grounds, he is compensated on a monthly rather than an hourly basis; (all other maintenance and custodial employees are hourly paid); that as many as twenty-one (21) regular full-time and seventeen (17) seasonal employees receive assignments and instructions from him; that, by authority delegated to him by the Municipal Employer through the School Superintendent and Business Administrator, he may hire, and suspend, custodial and maintenance personnel, and that he has no regular custodial assignments as do those individuals who report to him.

We have also determined that Hirschling, Mallick, Sherman and Kruzicki, as Head Custodians, are to be included in the unit. They function as working foremen rather than as supervisors.^{2/} They regularly perform custodial tasks and report to Sonnenberg, as do the custodians who work alone in the smaller schools. They may assign specific duties to from one to four full-time or part-time custodians in their building; however, they perform the same work. Their wages are computed on an hourly basis in the same manner as other custodians, and their earnings for the preceding year are substantially the same as other employees similarly classified. The fact that they requisition supplies for use in their building does not establish them as supervisors.

^{2/} Manitowoc Board of Education, Dec. No. 6856, 9/64

Subsequent to the hearing, the Municipal Employer informed the Board that certain professional teaching employees in its employ, and others, are seasonally employed as custodian and maintenance workers. Inasmuch as the primary employment of said professional employees is concerned with the teaching function, they are not eligible to vote in a unit of non-professional employees.^{3/} With respect to the seasonal custodial and maintenance employees who are not teachers, we have determined that such individuals who were employed during the past summer (1966), and who have a reasonable expectation of returning to their employment the next summer (1967), are eligible to vote in the election as a regular part-time employee.

Dated at Madison, Wisconsin, this 23rd day of August, 1966.

WISCONSIN EMPLOYMENT RELATIONS BOARD

By

Morris Slavney
Morris Slavney, Chairman

Arvid Anderson
Arvid Anderson, Commissioner

Zel S. Rice II
Zel S. Rice II, Commissioner

^{3/} Milwaukee Board of Vocational & Adult Education,
Dec. No. 6343, 5/63