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In the Matter of the Petition of :  
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MANITOWOC COUNTY COURTHOUSE :  
EMPLOYEES LOCAL 986A, AFSCME, AFL-CIO :  
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For Clarification of a Bargaining :  
Unit Consisting of Certain Employees of :  
 :  
MANITOWOC COUNTY :  
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Unit Consisting of Certain Employees of :  
 :  
MANITOWOC COUNTY :  
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Mr. Michael J. Wilson, District Representative, Council 40,  
Wisconsin Council of County and Municipal Employees, appearing  
on behalf of the Petitioner.

Mr. Richard E. Garrow, Corporation Counsel, Manitowoc County,  
appearing on behalf of the Municipal Employer.

Manitowoc County Courthouse Employees Local 986A, AFSCME, AFL-CIO, having, on July 5, 1977 filed a petition with the Wisconsin Employment Relations Commission, wherein it requested the Commission to clarify an existing collective bargaining unit consisting of certain employees of Manitowoc County; and a hearing having been held in the matter at Manitowoc, Wisconsin, on August 12, 1977, Duane McCrary, Examiner, being present; and the Commission having considered the evidence, arguments of the parties, briefs, and being fully advised in the premises, hereby issues the following Findings of Fact, Conclusion of Law and Order Clarifying and Amending Bargaining Unit.

1. That on September 28, 1967, following an election conducted by it, the Wisconsin Employment Relations Board certified Local 986, Manitowoc County and Manitowoc County Employees, AFSCME, AFL-CIO, hereinafter referred to as Union, as the exclusive collective bargaining representative of all employes of Manitowoc County, hereinafter referred to as Employer, employed by the following departments: county nurse clericals, clerk of court, register of deeds, veterans service, treasurer, tax listing, University of Wisconsin Manitowoc County Center custodians, county clerk, courthouse custodians, district attorney, county courts and University Extension Office, and sheriff's department clerk, but excluding supervisors, department heads, elected and appointed officials.

2. That between the date of said certification and the present date, the name of the Union was changed from Manitowoc County Employees Local 789 to Manitowoc County Courthouse Employees Local 206A and the non-professional employees of the Manitowoc Mental Health Center were



"ARTICLE I - RECOGNITION AND BARGAINING UNIT

The Employer recognizes the Union as the exclusive bargaining agent of all employees engaged in the operations of the various departments and functions of the Manitowoc County Courthouse, County offices, Mental Health Center and such departments where represented by the Union excluding elected officials, managerial, supervisory, confidential, and temporary employees, specifically excluded are:

County Clerk	Public Health Nurses
Clerk of Courts	County Agent
County Treasurer	County 4-H Agent
Register of Deeds	Dairy Agent
Coroner	Conservation Education Specialist
District Attorney	Home Economics Agent
Corporation Counsel	County Service Officer
County Auditor	Airport Manager";

that said agreement in Article VIII, provides, in part, that regular full-time employees "are eligible to receive all benefits in this Agreement."; that said provision also provides that all regular part-time employees "shall be entitled to all fringe benefits under this Agreement (holiday, vacation and sick leave benefits shall be pro-rated)."; and that the appendix to said collective bargaining agreement in setting forth the monthly salary of the positions in the bargaining unit also identifies said positions as follows:

"Account Clerk II  
Accountant, Deputy I, Tax Lister,  
Office Manager  
Deputy II, Account Clerk I, Assistant  
Secretary to County Board, Legal  
Secretary  
Maintenance Foreman  
Maintenance Man  
Multilith Operator  
Records Clerk  
Register in Probate  
Secretary - Clerk I  
Secretary - Clerk II  
Switchboard Operator"

4. That on July 5, 1977, the Union filed a petition with the Wisconsin Employment Relations Commission requesting the Commission to clarify the existing collective bargaining unit by accrating the following clerical positions to said unit, which positions were created since the original certification issued by the Commission:

<u>POSITION</u>	<u>DEPARTMENT</u>	<u>STATUS</u>
Clerk	Veterans Service Office	Part Time
Secretary	Sheriff's Department	"
Secretary	Emergancy Gov't. Office	"
Leg. Sec.	Family Court Comm. Office	"
Leg. Sec.	Family Court Comm. Office	"
Secretary	Soil & Water Conser ., University Ext. Office	"
Secretary	Pub. Health Nurs. Services	"



<u>POSITION</u>	<u>DEPARTMENT</u>	<u>STATUS</u>
Secretary	Pub. Health Nurs. Services	"
Secretary	Mental Health Center	"
Keypunch Op.	Comptroller's Office	Full Time

5. That the part-time positions listed above are regular part-time positions; that none of the individuals occupying any of the part-time positions, or the employe occupying the full-time position, perform any duties which are confidential with respect to matters affecting labor relations; that further none of the occupants of the positions noted above perform any supervisory or managerial duties; and that the occupants of the positions noted above perform duties which are similar or related to duties performed by various employes in the existing bargaining unit involved herein.

Upon the basis of the above and foregoing Findings of Fact, the Commission makes the following

#### CONCLUSION OF LAW

That the occupants of the positions noted in paragraph 4 are municipal employes within the meaning of Section 111.70(1)(b) of the Municipal Employment Relations Act.

Upon the basis of the above and foregoing Findings of Fact and Conclusion of Law, the Commission makes and issues the following

#### ORDER CLARIFYING AND AMENDING BARGAINING UNIT

That the positions noted in paragraph 4 be, and the same hereby are, included in the collective bargaining unit presently represented by Manitowoc County Courthouse Employees Local 986A, AFSCME, AFL-CIO, and therefore the description of said bargaining unit is amended to read as follows: county nurse clericals, clerk of court, registrar of deeds, veterans service, treasurer, tax listing, University of Wisconsin Manitowoc County Center custodians, county clerk, courthouse custodians, district attorney, county courts and University Extension Office, sheriff's department clerk, non-professional employes of the Mental Health Center, veterans service office, emergency government office, family court commissioner office, and comptroller's office, but excluding supervisors, department heads, elected and appointed officials.

Given under our hands and seal at the City of Madison, Wisconsin, this 7th day of March, 1978.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney  
Morris Slavney, Chairman

Herman Torosian  
Herman Torosian, Commissioner



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

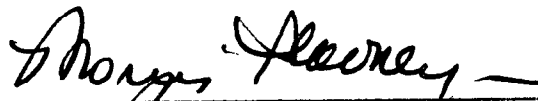
The Union seeks to clarify an existing bargaining unit presently represented by it to include nine part-time positions and one full-time position employed in various County offices. It should be noted that the existing unit, resulting from an original certification and an order of accretion thereto, included employees in various County offices, including, but not limited to, the county nurse's office, the sheriff's department, and the Mental Health Center. With respect to these departments the Union seeks to accrete a regular part-time secretary in the sheriff's department, two regular part-time secretaries in the Public Health Nursing Services, which appears to be the county nurse's office, and a regular part-time secretary in the Mental Health Center. Since the present collective bargaining agreement covers regular part-time employees and since these departments were already covered by the collective bargaining agreement said part-time clerical employees are properly covered by the existing collective bargaining agreement, as is the regular part-time secretary employed in the University Extension Office. The only departments which are not set forth in the collective bargaining unit which was certified or clarified are the veterans service office, the emergency government office, the family court commissioner's office, and the comptroller's office. Since the positions employed in these various offices are clerical or related and are all regular part-time, except for the one full-time keypunch operator employed in the comptroller's office, we deem they should be accreted to the existing collective bargaining unit in order to avoid fragmentation of clerical employees employed by the County.

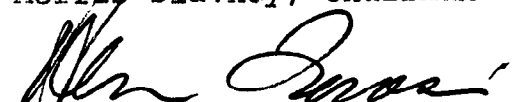
The County objected to the inclusion of the keypunch operator in the unit on the basis that the occupant of said position has access to payroll records. The mere fact that an employee has access to payroll records is not a basis for concluding that such employee is a confidential employee. An employee is confidential within the meaning of the Municipal Employment Relations Act where that employee is privy to confidential data relating to labor relations. <sup>1/</sup> The keypunch operator involved is not privy to such data and therefore is not a confidential employee. We have therefore accreted said positions to the bargaining unit and amended the unit to reflect such accretion.

Dated at Madison, Wisconsin, this 7th day of March, 1978.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slavney, Chairman

  
Herman Torosian, Commissioner

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<sup>1/</sup> Juneau County (12314) 5/74.