

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Case I  
No. 12014 ME-370  
Decision No. 8497

Local 1658, Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, having petitioned the Wisconsin Employment Relations Commission to conduct an election pursuant to Section 111.70 of the Wisconsin Statutes among certain employees of Southern Door County School District #1, Brussels, Wisconsin, and a hearing on said petition having been conducted at Sturgeon Bay, Wisconsin, on April 3, 1968, by Zel S. Rice, Commissioner; and the Commission having considered the evidence and being satisfied that a question has arisen concerning representation for certain employees of said Municipal Employer;

DIRECTED

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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 employes desire to be represented by Local 1658, Wisconsin Council of County and Municipal Employees, 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 11th day of April, 1968.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

*Thomas Slavney*  
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Thomas Slavney, Chairman

*John S. Rice II*  
\_\_\_\_\_  
John S. Rice II, Commissioner

*William R. Wilberg*  
\_\_\_\_\_  
William R. Wilberg, Commissioner

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

SOUTHERN DOOR COUNTY SCHOOL  
DISTRICT #1

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

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Sandra Karnitz is also employed in the office of the Senior High School Principal, while the remaining office clerical employees, Kathy Kasten, is employed as a secretary to the Junior High School Principal. The Senior High School and Junior High Schools are located in separate buildings seven miles apart. They generally have received benefits identical to the remaining employees in the bargaining unit.

The establishment of bargaining units in elections conducted pursuant to Section 111.70 is determined by reference in accordance with the procedure set forth in the Wisconsin Employment Peace Act, more specifically Section 111.02(6) and Section 111.05(2). The former Section defines the collective bargaining unit as all the employees of one employer, except that where a majority of such employees engaged in a single craft, division, department or plant shall have voted by secret ballot to constitute themselves a separate craft, division, department or plant. The Commission must, therefore, determine whether the group of employees set out by the petitioner as being an appropriate unit does in fact constitute all the employees of the Employer, or whether such employees constitute a separate craft, division, department or plant of the Employer. If the Commission should find that the employees claimed to be in an appropriate unit constitute a separate craft, division, department or plant, the Commission, as required by the Statute, permits such employees to determine for themselves whether they desire to constitute a separate unit.<sup>1/</sup>

The record discloses that the Union will include in the appropriate bargaining unit employees employed in various departments or divisions of the School District, which are bus drivers, food service employees, and maintenance and custodial employees. It is apparent that the Union's claimed appropriate unit does not include all the employees of School District who would otherwise be eligible to be in an overall unit, since the Union would exclude the office clerical employees.

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<sup>1/</sup> St. Michael's Hospital, Dec. No. 8005, 4/67.

On the other hand, the desired unit does not consist of a separate division, department, plant or craft. The Union in fact contends that the appropriate unit consists of a number of departments or divisions to the exclusion of a remaining department or division. If the Commission were satisfied that the office clerical employees were in fact employed in a single and separate department, as those terms are contemplated in the Statute, the Commission would not, since there has been no request from anyone to establish a separate unit among office clerical employees, conduct an election to determine the desires of said office clerical employees as to whether they would establish themselves a separate unit.

Moreover, the Commission is satisfied that the office clerical employees involved are not employed in such a department or division as to be considered a single department or division of the Employer. While they may have separate immediate supervision, they are employed in different locations, and they are subject to the same general personnel problems and conditions of employment applicable to other employees to be included in the unit. The separate supervision alone is insufficient, in light of other factors, to establish the office clerical employees as a separate department, and therefore they are included in the appropriate collective bargaining unit.

During the course of the hearing, Counsel for the School District introduced, as exhibits into the record, statements purportedly executed by (1) various bus drivers in its employ, indicating a desire "to form the Southern Door County Non-Professional Employees Association, with three elected representatives" to bargain with the School District; (2) various kitchen employees appointing two among them to represent them for purposes of bargaining; (3) various "non-professional employees" indicating that they did not desire to be represented by the Union; and (4) various custodians designating two representatives for the purposes of bargaining with the School District. No one appeared at the hearing on behalf of any of the employees who purportedly executed

such documents, although we are satisfied that the claimed representatives of such employes did have knowledge of the hearing, since Counsel for the School District had indicated that such signed documents had been delivered to him by said groups for introduction at the hearing. Since no other organization, independent or otherwise, or any individual or individuals have requested to be placed on any ballot involving any unit, the only labor organization involved herein is the petitioning labor organization, and as such it will be the only labor organization on the ballot.<sup>2/</sup>

Dated at Madison, Wisconsin, this 11th day of April, 1968.

By

*Thomas Slavney*  
Morris Slavney, Chairman

*J. S. Rice II*  
Jel S. Rice II, Commissioner

*William R. Wilberg*  
William R. Wilberg, Commissioner

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<sup>2/</sup> Ibid.