

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of
MILWAUKEE DISTRICT COUNCIL 48,
AFSCME, AFL-CIO, and its
affiliated LOCAL 587
Involving Certain Employees of
MILWAUKEE AREA BOARD OF
VOCATIONAL, TECHNICAL AND
ADULT EDUCATION DISTRICT NO. 9

Case 3
No. 12399 ME-407
Decision No. 8736-E

Appearances:

Quarles and Brady, Attorneys, 780 North Water Street, Milwaukee, Wisconsin 53202, by Mr. David B. Kern, appearing on behalf of the Employer.
Podell, Ugent and Cross, S.C., 207 East Michigan Street, Milwaukee, Wisconsin 53202, by Ms. Nola J. Hitchcock Cross, appearing on behalf of the Petitioner.

ORDER CLARIFYING BARGAINING UNIT
AND DIRECTION OF ELECTION

On May 18, 1983, the above-named Petitioner filed a petition with the Wisconsin Employment Relations Commission, requesting the Commission to clarify the existing bargaining unit of clerical, food service and building services employees of the above-named Employer by including in that unit some thirty-one employees in six different classifications. The parties subsequently entered into extended negotiations concerning the petition, in the course of which an amended petition to substantially the same effect was filed on January 13, 1984 by the Petitioner. The Petitioner filed a second amended petition, seeking inclusion of some seventy employees in seven classifications, on March 6, 1984. During and after hearing conducted on November 8, 1983 and April 13, 1984 by Examiner Christopher Honeyman the parties entered into a series of agreements concerning clarification of the bargaining unit and an election among residual non-represented employees, and on September 17, 1984 the parties filed with the Commission a joint stipulation of facts agreeing to clarify the bargaining unit and agreeing to the terms of an election among the residual unrepresented employees. Upon the basis of the parties' stipulations, the Commission now makes and issues the following

ORDER CLARIFYING BARGAINING UNIT

Pursuant to the parties' stipulation, the following clerk, clerk-typist, custodial and cafeteria positions are unconditionally included in the bargaining unit represented by District Council 48, AFSCME, AFL-CIO, and its Affiliated Local 587. The current positions and employees occupying these positions are:

- (1) Clerk-Typist, Business Office (Catherine Burgoyne)
- (2) Clerk-Typist, Computer Graphics Department (Mary Cocking)
- (3) Clerk-Typist, General Education Department (Barbara Geddes)
- (4) Clerk-Typist, Placement Department (Barbara Mankowski)
- (5) Clerk, Book Store--North (Leslie Beyer)
- (6) Clerk, Counseling Department (Cindy Perry)
- (7) Clerk, Counseling Department (Susan Ozmankowski)
- (8) Clerk, Student Services--North (Anna DeLeon)

- (9) Clerk, Book Store--South (Geraldine Haiser)
- (10) Clerk, Accounting Department--South (Sandra Montague)
- (11) Clerk, Book Store--North (James Koss)
- (12) Cashier, Business Office (Patsy Nissen)
- (13) Clerk, Student Services--North (Betty Roth)
- (14) Clerk, Business Office--North (Carol Schwenzen)
- (15) Clerk, Book Store--West (Jeanette Sideras)
- (16) Clerk, Library (Myrna Simmons)
- (17) Clerk, Business Office--South (Carol Webster)
- (18) Clerk, Counseling (Gail Young)
- (19) Computer Services Assistant (Terry Wallace)
- (20) Food Service Worker (Deborah Ann Dec)
- (21) Building Service Worker (Richard Inama)
- (22) Food Service Utility Worker (Charles Darrough)
- (23) Food Service Utility Worker (Charles King)
- (24) Wausau Center (Lucille Mijazaki)

Also upon the basis of the parties' stipulation, the Commission makes and issues the following

DIRECTION OF ELECTION

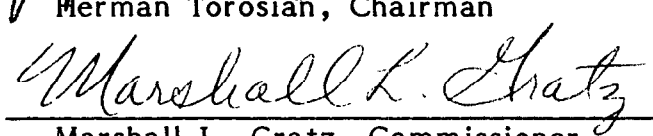
An election by secret ballot shall be conducted under the direction of the Wisconsin Employment Relations Commission within forty-five (45) days from the date of this directive in the residual unit consisting of all part-time Evening School Center Clerk/Campus Center Secretary employees, excluding all managerial employees, supervisory employees, confidential employees, employees currently represented and all other employees, who were employed on October 30, 1984, except such employees as may prior to the election quit their employment or be discharged for cause, for the purpose of determining whether the required number of such employees desire to be represented by District Council 48, AFSCME, AFL-CIO and its affiliated Local 587, or by no representative, for the purposes of collective bargaining with the Milwaukee Area Board of Vocational, Technical and Adult Education District No. 9.

Given under our hands and seal at the City of
Madison, Wisconsin this 30th day of October, 1984.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Herman Torosian, Chairman


Marshall L. Gratz, Commissioner


Danae Davis Gordon, Commissioner

MEMORANDUM ACCOMPANYING ORDER CLARIFYING
BARGAINING UNIT AND DIRECTION OF ELECTION

The stipulation of facts filed by the parties in this matter reads in pertinent part as follows:

1. On January 6, 1984, a petition for unit clarification was filed by Milwaukee District Council 48, AFSCME, AFL-CIO, and its Affiliated Local 587, seeking to include in a bargaining unit certified by the Wisconsin Employment Relations Commission on December 2, 1968 in Case III, No. 12399, Decision 8739, ME 407, the following positions:

Part-time Clerks (approximately 18);
Part-time Clerk-Typists (approximately 4);
Part-time Food Service Utility Workers
(Approximately 3);
Part-time Food Service Workers (approximately 4);
Registrations Records Supervisor (one)

2. On or about February 29, 1984, the above-named petitioner filed an amended petition seeking to include in the certified unit the above-described employees, and in addition, the following positions:

Part-time Evening School Center Clerks/Campus Center
Secretary (approximately 39).

3. On April 13, 1984, at the time and place scheduled for the hearing on the petition for unit clarification, the parties met and reached a stipulation of facts as hereinafter set forth.

4. The parties agree that employees who work in temporary registration related positions, whether in the registration department or elsewhere, solely during "peak periods" and who perform no other work performed by bargaining unit employees shall be excluded from the unit as casual or temporary employees, but that those employees who work beyond the "peak periods" shall be accreted into the bargaining unit if they satisfy the "minimum hours" test defined below.

4a. The "peak periods" during which such casual or temporary employees may be scheduled to work are defined as follows:

The period beginning four working weeks before the start of the first school year semester through three working weeks after the start of the first school year semester, and the period five working weeks before the start of the second school year semester through three working weeks after the start of the second school year semester.

4b. The following current employees shall be accreted to the unit on the basis of their scheduled performance of work performed by bargaining unit employees beyond the "peak periods" defined above and in excess of the "minimum hours" defined below:

(1) Shirley Cira (Book Store)

(2) Karen Bartels (Book Store)

- (3) Elizabeth Brown (Book Store)
- (4) Betty Fortson Pittman (Book Store)
- (5) Regina Harris (Evening School)

4c. The following current employees who were named in the Union's petition, as amended, shall be excluded from the unit based on their work solely within the "peak periods" described above:

- (1) Frances Behling (West Campus)
- (2) Winifred Caviggiola (Brown Deer)
- (3) Mary Datka (Germantown)
- (4) Katherine Engibous (Frank Lloyd Wright)
- (5) Donna Gatewood (Whitnall)
- (6) Doris Greb (Brown Deer)
- (7) Mary Grundman (Brown Deer)
- (8) Judy Handeland (Brown Deer)
- (9) Susan Kruse (Brown Deer)
- (10) Catherine Landwehr (Nicolet)
- (11) Margaret Makal (Wauwatosa)
- (12) Janet Marsh (Franklin)
- (13) Marvel Mason (Nicolet)
- (14) Robert Mason (Nicolet)
- (15) Nancy Michalski (Greendale)
- (16) Jean Mueller (Brown Deer)
- (17) Delores Padgett (Brown Deer)
- (18) Elaine Pomerance (Whitefish Bay)
- (19) Patricia Shires (Nicolet)
- (20) Carol Steffes (Greendale)
- (21) Irma Stuff (Wauwatosa)
- (22) Susan Bauer (Wau. Ctr.)
- (23) Coleen Foster (Wau. Ctr.)

5a. The "minimum hours" test shall be determined as follows:

Employees who do not perform more than 250 hours of work performed by bargaining unit employees during any six-month period shall be regarded as casual employees and shall not be accreted into the unit. Employees who exceed 250 hours of work performed by bargaining unit employees in any six-month period shall be accreted into the bargaining unit and shall remain in the bargaining unit thereafter. The six month period shall not be limited to a calendar year. The Union shall receive a semi-annual report of all said employees in the months of June and December for all hours worked in the previous six (6) month period.

5b. The following current employees shall be accreted into the bargaining unit based on the "minimum hours" test:

- (1) Delores Smagalski

5c. The following current employees shall be excluded from the bargaining unit based on the "minimum hours" test:

- (1) Rita Fehler
- (2) Camille Kesich

6. The parties agree that the following clerk, clerk-typist, custodial and cafeteria positions originally included within the ambit of the 1968 WERC certification, as amended, noted above, and within the scope of the parties' recognition clause in their collective bargaining agreement shall be accreted into the bargaining unit represented by District Council 48, AFSCME, AFL-CIO, and its Affiliated Local 587. The current employees are:

- (1) Catherine Burgoyne (Clerk-Typist, Business Office)
- (2) Mary Cocking (Clerk-Typist, Computer Graphics Dept.)
- (3) Barbara Geddes (Clerk-Typist, General Education Dept.)
- (4) Barbara Mankowski (Clerk-Typist, Placement Dept.)
- (5) Leslie Beyer (Clerk, Book Store--North)
- (6) Cindy Perry (Clerk, Counseling Dept.)
- (7) Susan Ozmankowski (Clerk, Counseling Dept.)
- (8) Anna DeLeon (Clerk, Student Services--North)
- (9) Geraldine Haiser (Clerk, Book Store--South)
- (10) Sandra Montague (Clerk, Accounting Dept.--South)

- (11) James Koss (Clerk, Book Store--North)
- (12) Patsy Nissen (Cashier, Business Office)
- (13) Betty Roth (Clerk, Student Services--North)
- (14) Carol Schwenzen (Clerk, Business Office--North)
- (15) Jeanette Sideras (Clerk, Book Store--West)
- (16) Myrna Simmons (Clerk, Library)
- (17) Carol Webster (Clerk, Business Office--South)
- (18) Gail Young (Clerk, Counseling)
- (19) Terry Wallace (Computer Services Assistant)
- (20) Deborah Ann Dec (Food Service Worker)
- (21) Richard Inama (Building Service Worker)
- (22) Charles Darrough (Food Service Utility Worker)
- (23) Charles King (Food Service Utility Worker)
- (24) Lucille Mijazaki (Wau. Ctr.)

7. The parties agree that the Union has not previously requested inclusion in the bargaining unit of employees holding the position of part-time Evening School Center Clerk/Campus Center Secretary, and the parties therefore agree that an election should be directed for employees holding such positions, said election to be limited to the question of whether such employees elect no Union or elect to be included in the bargaining unit represented by District Council 48, AFSCME, AFL-CIO, and its Affiliated Local 587. The current voting group includes:

- (1) Phyllis Fling (Nicolet)
- (2) Janice Maternowski (Mechanics Institute)
- (3) Delores Mathews (Shorewood)
- (4) Cynthia Arhens (Greendale)
- (5) Karen Ashbaugh (South/Oak Creek)
- (6) Elona Barbian (South)
- (7) Betty Behrendt (Germantown)
- (8) Joyce Bigley (Whitnall)
- (9) Margaret Bliese (Grafton)
- (10) Susan Brumm (Port Washington)
- (11) Irene Crain (South)
- (12) Edith Dingman (Whitefish Bay)
- (13) Nancy Donovan (Brown Deer)

- (14) Constance Dufek (Horace Mann)
- (15) Katherine Faust (Greendale)
- (16) Karen Gebhard (South)
- (17) Linda Henrikson (Wauwatosa)
- (18) Carolyn Landwehr (Nicolet)
- (19) Mildred Lipski (Brown Deer)
- (20) Sandra Martin (South/South Milwaukee)
- (21) Eileen O'Brien (Cudahy/St. Francis)
- (22) Patricia Schmeling (Shorewood)
- (23) Betty Shafranski (Whitefish Bay)
- (24) Jean Shaughnessy (Nicolet)
- (25) Joyce Washburn (Shorewood)
- (26) Phyllis Weiland (Whitefish Bay)
- (27) Bonnee Welch (South)
- (28) Katheryn Struck (Franklin)
- (29) Liz Schulrud (Greenfield)
- (30) Alic Krolick (West)
- (31) Kathy Lawocki (Frank Lloyd Wright/Nathan Hale)

We find that the above-noted terms of inclusion and exclusion agreed to by the parties are not repugnant to the purposes and policies of MERA, and we therefore adopt the stipulation, and clarify the bargaining unit and direct an election accordingly.

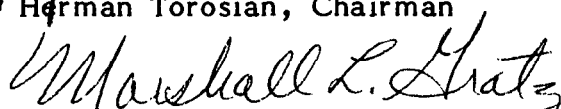
If the residual bargaining unit of part-time Evening School Center Clerks and Campus Center Secretaries elect to be represented by the Petitioner, the unit involved herein shall be merged with the existing collective bargaining unit of non-professional employees. Terms and conditions of any existing collective bargaining agreement, however, shall not automatically be applied to employees in the residual unit unless collective bargaining produces such a result. 1/

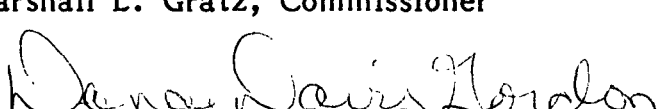
Dated at Madison, Wisconsin this 30th day of October, 1984.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Herman Torosian, Chairman


Marshall L. Gratz, Commissioner


Danae Davis Gordon, Commissioner

1/ See Cochrane-Fountain City Community Jt. School District No. 1, Dec. No. 13700 (WERC, 6/75).