

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

### For Clarification of Bargaining Unit

Case VI  
No. 12432 ME-410  
Decision No. 8768-B

Mr. William Sandoval, Representative, appearing on behalf of the Union.

Outagamie County (Social Services Department) and Local Union 455-A, WCCME, AFSCME, AFL-CIO, having jointly petitioned the Wisconsin Employment Relations Commission to clarify an existing certified collective bargaining unit consisting of certain employees in the employ of Outagamie County (Social Services Department), Appleton, Wisconsin; and hearing in the matter having been conducted at Appleton, Wisconsin, on March 14, 1972, Douglas V. Knudson, Hearing Officer, being present; and the Commission, having considered the evidence and arguments of the parties and being fully advised in the premises, makes and issues the following

That the classifications of Basic Services Supervisor and Supervisor I shall be, and hereby are, excluded from the collective bargaining unit consisting of all professional employees in the Outagamie County Social Services Department, but excluding supervisory employees.

Given under our hands and seal at the  
City of Madison, Wisconsin, this 26th  
day of June, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Morris Blayney, Chairman

Zel S. Rice II, Commissioner

Jos. B. Kerkman, Commissioner

OUTAGAMIE COUNTY (SOCIAL SERVICES DEPARTMENT)  
Case VI Decision No. 8768-B

MEMORANDUM ACCOMPANYING  
ORDER CLARIFYING BARGAINING UNIT

The statutory definition of the term supervisor includes the following: "Any individual who has authority, in the interest of the municipal employer, to hire, transfer, suspend, lay-off, recall, promote, discharge, assign, reward or discipline other employees, or to adjust their grievances or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment." 1/

The Employer's Social Services Department is divided into one clerical and seven operating units. Each operating unit is headed by a Unit Supervisor who holds the classification of either Basic Services Supervisor or Supervisor I. Currently, three of the units are unstaffed and consequently have no Unit Supervisor assigned to them. Two units are staffed, with five professional employees each, one unit has five non-bargaining unit employees (non-professionals) and one unit has eight non-bargaining unit employees (non-professionals). It is clear from the record that the Unit Supervisors spend a minimal amount of their time performing bargaining unit work. They do not carry a regular case load, although approximately five to ten percent of their time is utilized to fill in for absent or vacationing unit employees. The overwhelming majority of their time is spent performing the following activities within their respective units:

- (1) Orient and train new unit employees.
- (2) Read and evaluate case reports, including meeting with individual employees to gain additional information when the case file is incomplete.
- (3) Counsel individual employees on the handling of clients and on emergency or specific case problems with which the employee is not familiar.
- (4) Conduct individual conferences and unit meetings.
- (5) Distribute cases and work load among unit employees.
- (6) Attend departmental staff meetings, community meetings and conferences.
- (7) Receive and process unit employee vacation requests and absence reports.
- (8) Assess and evaluate the performance of unit employees, including recommendations to the Department Director concerning employee reclassifications and termination

or retention or employees nearing the completion of their probation.

Since the arrival of the new Director of Social Services, approximately six months ago, it appears that the Unit Supervisor recommendations in these areas have never been reversed by higher supervision.

The Union contends that the employees in the classifications in question were eligible to vote in the representation election held on December 17, 1968, and have been union members since the unit was certified by the Wisconsin Employment Relations Commission on December 31, 1968. The parties stipulated to the appropriate bargaining unit for said election. While the ballots of four employees in the classifications in question were challenged at the election, they did not affect the final result of the representation election and the Commission made no ruling on the eligibility of the challenged voters.

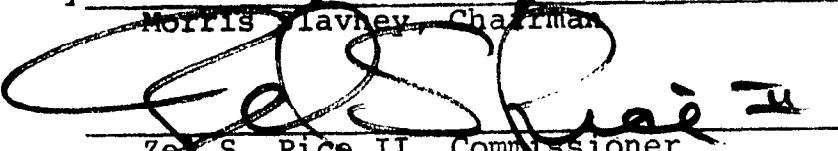
The Commission concludes that the Basic Services Supervisors and the Supervisors I are "Supervisors" and that they should not be included in the bargaining unit. The Commission is most influenced by the evidence that up to 95% of the Unit Supervisors' time is spent in making certain that employees are properly performing their work. Such supervisory activities involve the use of independent judgment in assigning work and in dealing with the work problems of individual employees. Further, the supervisory employees evaluate the performance of unit employees and effectively recommend the reclassification and retention or termination of employees.


Dated at Madison, Wisconsin, this 26th day of June, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Flaherty, Chairman

  
Zel S. Rice II, Commissioner

  
Jos. B. Kerkman, Commissioner