

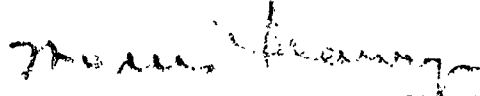


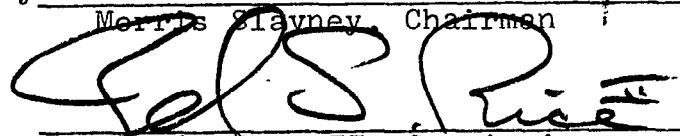
quit their employment or be discharged for cause, for the purpose of determining whether or not a majority of such employees desire to be represented by Local 1486, Milwaukee District Council 48, American Federation of State, County and Municipal Employees, AFL-CIO, for the purposes of conferences and negotiations with the above-named Municipal Employer on questions of wages, hours and conditions of employment.

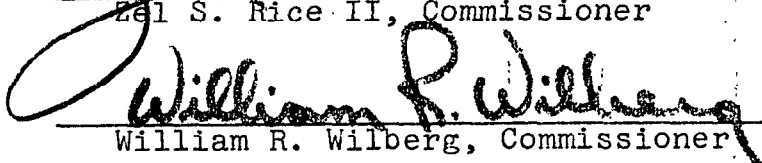
Given under our hands and seal at the City of Madison, Wisconsin, this 25th day of February, 1969.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slayney, Chairman

  
Zel S. Rice II, Commissioner

  
William R. Wilberg, Commissioner

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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In the Matter of the Petition of

LOCAL 1486, MILWAUKEE DISTRICT  
COUNCIL 48, AMERICAN FEDERATION OF  
STATE, COUNTY AND MUNICIPAL EMPLOYEES,  
AFL-CIO,

Involving Employees of

VILLAGE OF BROWN DEER  
Brown Deer, Wisconsin  
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Case IV  
No. 12401 ME-408  
Decision No. 8915

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

The petitioning Union has requested the Commission to conduct an election among all regular full-time and regular part-time clerical employees in the employ of the Municipal Employer. At the time of the hearing the Municipal Employer employed the following individuals in clerical positions: Maybelle Butke, Secretary, Health Department; Dolores Bechtel, Secretary, Health Department; Joan Hampton IBM Key Punch Operator, Water Department and other; Claire Wreschnig, Clerk, Water Department and other; Kathleen Plack, Secretary, Village Manager's Office; Carrie Olson, Deputy Clerk/Administrative Assistant, Village Manager's Office; Lucille Heinz, Bookkeeper/Clerk, Comptroller's Office; Barbara Zierer, Secretary/Court Clerk, Police Department; and Jan Isings, Receptionist, General Office.

During the course of the hearing, issues arose with respect to the appropriate bargaining unit and with respect to the eligibles.

Unit Issue

The Municipal Employer urges the Commission to permit regular part-time clerical employees to determine for themselves whether they desire to constitute a unit separate and apart from the regular full-time clerical employees. As indicated, the Union contends the appropriate unit to consist of both regular full-time and regular part-time clerical employees. The establishment of collective bargaining units in municipal employment is subject to the provisions set forth in Secs. 111.02(6) and 111.05 of the Wisconsin Employment Peace Act.<sup>2/</sup> In order for the

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<sup>2/</sup> Sec. 111.70(4)(d) refers to said cited sections.

regular part-time clerical employees to constitute themselves a unit separate and apart from the regular full-time clerical employees, it must be established that the regular part-time clerical employees are employed in a department or division separate and apart from the regular full-time clerical employees. There is no evidence in the record which would in any way indicate that such is the case herein. There is no distinction in the supervision over regular full-time and regular part-time clerical employees. The only basic difference between the regular part-time and regular full-time clerical employees is the difference between the number of weekly hours employees in each of said groups are scheduled to work. Such distinction is not sufficient to permit regular part-time clerical employees an opportunity to constitute a unit separate and apart from the regular full-time clerical employees, and, therefore, the appropriate bargaining unit consists of all regular full-time and all regular part-time clerical employees in the employ of the Village of Brown Deer, excluding supervisors, confidential and all other employees.

#### Issues Concerning Eligibility

The Union contends that Claire Wreschnig, a part-time clerical, is not regularly employed and, therefore, should be excluded from the eligibles. The Municipal Employer argues that Wreschnig should be included among the eligibles. Miss Wreschnig, a high school student, was employed forty hours a week during the summer months of 1968. However, since the commencement of the school year, she returned to high school as a full-time student and since that time has been employed on only one Saturday as of the date of the hearing. We are satisfied that Miss Wreschnig is not a regular part-time employee, but is rather a casual employee and, therefore, is not eligible to participate in the election.<sup>3/</sup>

The Municipal Employer contends that Carrie Olson is a supervisor and, therefore, not eligible to be included in the unit. Mrs. Olson's classification is that of Deputy Clerk/Administrative Assistant to the Village Manager. In that position she is empowered to perform all the functions of the Village Manager in his absence. She has been delegated the authority to hire and discharge employees, and on one occasion has recommended the discharge of an employee. She also has exercised her delegated power in hiring clerical employees. Although the time spent by Mrs. Olson in the active supervision of clerical employees is

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<sup>3/</sup> City of River Falls (6731) 5/64

relatively minor, the record discloses that her authority and responsibility in that area are sufficient to establish her supervisory status. Therefore, she is not included in the bargaining unit and is not eligible to vote.<sup>4/</sup>

The Municipal Employer contends that Kathleen Plack is a confidential employe and, therefore, should be excluded from the unit. The Union contends that Miss Plack's confidential duties are at the most de minimus and, therefore, she should be considered eligible. Miss Plack commenced her employment in January 1968, and since that time has acted as the personal secretary to the Village Manager. The latter presently negotiates with the collective bargaining representatives of the employes employed as Police, Firefighters, and Highway employes in three separate units. Miss Plack transcribes letters, does filing, and copies and collates whatever data the Village Manager handles in the performance of his duties. Such tasks require an average of five hours of secretarial work each week. The remaining thirty-five hours of Miss Plack's work week is spent in assisting Mrs. Olson, the Deputy Clerk/Administrative Assistant.

The record discloses that Miss Plack acts as a stenographer at meetings of the Police and Fire Commission, and in this capacity and in her capacity as a secretary to the Village Manager, she has been privy to information and discussion concerning the processing of a grievance involving a police officer. She is also privy to confidential information concerning deliberations by agents of the Municipal Employer in collective bargaining with the representatives of its Police, Firefighters and Highway employes.

There is no doubt that a portion of Miss Plack's duties are involved in confidential matters relating to collective bargaining. She performs 100% of the secretarial tasks involving confidential matters relating to collective bargaining. However, the Union argues that such duties are minimal and, therefore, she should be considered eligible to vote since she spends only a small fraction of her time on confidential matters.

The Union claims that the Municipal Employer's present assignment of confidential duties to Miss Plack was a ruse to deprive the latter employe of her rights to engage in concerted activity and to be represented for the purposes of collective bargaining. No evidence was introduced to substantiate such claim.

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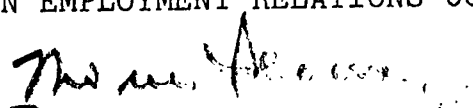
<sup>4/</sup> City of Milwaukee (6960) 12/64

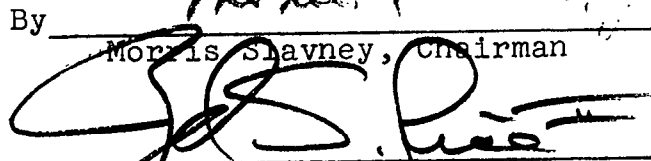
An employe who is privy to confidential matters relating to collective bargaining need not spend a majority of her time in performing duties relating to matters in her confidence. Where a single clerical employe is the only employe assigned to such duties, the performance of such duties excludes her from the eligibles. Therefore, Miss Plack is deemed a confidential employe and not eligible to vote in the election.

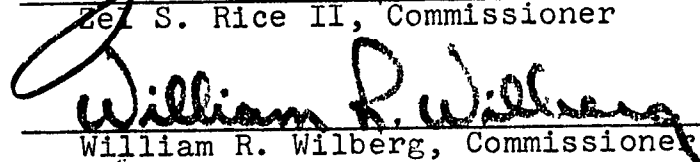
Dated at Madison, Wisconsin, this 25th day of February, 1969.

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