

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

FOX VALLEY DISTRICT, WISCONSIN COUNCIL
OF COUNTY AND MUNICIPAL EMPLOYEES,
AFSCME, AFL-CIO

Involving Certain Employes of

APPLETON PUBLIC SCHOOLS (JOINT DISTRICT
NO. 10, CITY OF APPLETON, ET AL.)

Case IX
No. 12793
ME-449
Decision No. 9045

Appearances:

Mr. James Miller, District Representative, for the Petitioner.
Mr. William R. Knuth, Director of Business and Mr. Jerome A.
Rusch, Personnel Director, City of Appleton, for the
Municipal Employer.
Mrs. Alice Kabella, President, for the Intervenor.

DIRECTION OF ELECTION

Fox Valley District, Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, having filed a petition with the Wisconsin Employment Relations Commission to conduct an election, pursuant to Section 111.70 of the Wisconsin Statutes, among certain employes of the Appleton Public Schools (Joint District No. 10, City of Appleton, et al.); and a hearing on such petition having been conducted at Appleton, Wisconsin, on April 17, 1969, Howard S. Bellman, Examiner, being present; and during the course of said hearing Appleton Public Schools Clerical Association having been permitted to intervene in the instant proceeding on its claim that it represents certain employes in the employ of the Municipal Employer; and the Commission having considered the evidence and being satisfied that a question has arisen concerning representation of certain employes of the Municipal Employer;

NOW, THEREFORE, it is

DIRECTED

That an election by secret ballot shall be conducted under the direction of the Wisconsin Employment Relations Commission within sixty (60) days from the date of this directive in the collective bargaining unit consisting of all clerical employes of the Appleton Public Schools (Joint District No. 10, City of Appleton, et al.),

excluding supervisors, confidential employes, professional employes, craft employes and all other employes, who were employed by the Municipal Employer on May 16, 1969, except such employes as may prior to the election quit their employment or be discharged for cause, for the purpose of determining whether a majority of such employes desire to be represented by Fox Valley District, Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, or by Appleton Public Schools Clerical Association, or by neither, for the purposes of conferences and negotiations with the above named Municipal Employer on questions of salaries, hours and conditions of employment.

Given under our hands and seal
at the City of Madison, Wisconsin,
this 16th day of May, 1969.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


William R. Wilberg, Commissioner

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It is the intent and purpose of the parties hereto that this agreement shall promote and improve working conditions between the Board of Education, Joint School District #10,

Appleton, Wisconsin, hereinafter referred to as the Board, and the Appleton Public Schools' Clerical Association, hereinafter referred to as the Association and to set forth herein rates of pay, hours of work, and other terms and conditions of employment to be observed by the parties hereto.

TERMS OF AGREEMENT

This agreement expresses the complete agreement and understanding of the parties on all matters pertaining to wages, hours, and working conditions and constitutes the full settlement of all bargaining issues for the term of the agreement.

This agreement shall become effective July 1, 1968, and remain in full force and effect to and including June 30, 1969, and shall renew itself for additional one year periods thereafter unless negotiations are instituted by April 1."

Further, the document in question provides, "there will be an adjustment to the above, comparable to the results of the custodial negotiations" and has as an attachment a salary schedule covering not only clerical personnel, but also cooks, matrons and stock clerks. Negotiations between the Municipal Employer and the representative of the custodians usually follows the negotiations with the Intervenor.

The clerical employees' conditions of employment other than wages, although subject to the Intervenor's requests and discussions were, as usual, set forth in a manual which was unilaterally issued by the Municipal Employer. Such manual also covers other employees.

No request for the commencement of negotiations regarding the 1968-1969 school year had been made by the Intervenor at the date of the hearing in the present case.

The absence of any bilateral document, the uncomprehensive nature of the only pertinent resolution by the Municipal Employer, the tentative nature of the understanding reached due to its dependence on other negotiations, the indefinitely self-renewing feature apparent in the last paragraph quoted from the document signed by the Intervenor,

and the record as a whole, combine to convince the Commission that no agreement of sufficient substance existed so as to constitute a bar to a present determination of representatives among the clerical employes in the employ of the Municipal Employer.

Dated at Madison, Wisconsin this 16th day of May, 1969.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Morris Slavney

Morris Slavney, Chairman

William R. Wilberg

William R. Wilberg, Commissioner