

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

ONEIDA COUNTY

ORDERED

That the position of radio operator and receptionist be included in the appropriate collective bargaining unit involved herein.

Given under our hands and seal at the City of Madison, Wisconsin, this 30th day of September, 1969.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
Morris Slavney, Chairman

Zel S. Rice II
Zel S. Rice II, Commissioner

William R. Wilberg
William R. Wilberg, Commissioner

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In Re Petition filed by

ONEIDA COUNTY HIGHWAY DEPARTMENT
EMPLOYEES, LOCAL 79, AFSCME, AFL-CIO

Involving Certain Employees of

ONEIDA COUNTY

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: Case III
: No. 13078 ME-473
: Decision No. 9249
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:
:

MEMORANDUM ACCOMPANYING ORDER CLARIFYING
APPROPRIATE COLLECTIVE BARGAINING UNIT

In its petition the Union asked that the bargaining unit be clarified with regard to the position of radio operator and receptionist. The petition also questioned the status of certain foremen, but it was agreed by the parties at the hearing that the Commission's determination should be limited to the radio operator and receptionist position. The individual occupying the position involved performs the duties of the receptionist and radio operator. Her duties include handling the master telephone in the Highway Department's office and directing calls to the appropriate extension. In such capacity she also logs calls received by her and notes who called and at what time. This includes logging of the phone calls directed to the Highway Department.

Her radio operator duties consist of handling the "base set" of the radio. She takes and relays all radio calls from seventeen radios and logs them. She receives the "radio roll call" of the employes of the Highway Department in outlying areas both when they check in in the morning and when they leave at the end of the day. In this procedure the men or their supervisors call in on their radio to indicate who is present and their times of arrival. The log made by the radio operator is used to check the times and avoids having to gather the information from the timeclocks in the various highway shops.

The radio operator and receptionist is physically located on the lower level of the main highway shop near the main door. Her office is separated by a wire fence from the stock room. The department office is upstairs and in a different part of the same building.

The radio operator and receptionist is supervised by the Highway Commissioner. At times she is called on to handle correspondence for him and types letters, some of which may relate to employes. She has taken occasional letters dealing with the disposition of employe grievances. The clerk-accountant who is not a member of the bargaining unit also is called on to type such correspondence.

The radio operator and receptionist does not attend Highway Committee meetings concerning personnel or labor-management negotiations held in executive session. The Committee's minutes are taken by a secretary who is a member of the Committee. The radio operator and receptionist does not have access to financial information regarding the County's negotiations. She has no files in her work area and is not authorized to use the files in the Highway Commissioner's office. The Commissioner has never asked her to file confidential material. She may be aware of personnel decisions that have been made prior to their publication but she is not privy to making such decisions. She does not normally type communications between Committee members and is more apt to type the final disposition of grievances rather than any information dealing with the substance of grievances. She has been used this year to type some of the Committee's bargaining counterproposals prior to submitting them to the Union and according to the Highway Commissioner has typed drafts of proposals prior to the Committee taking action on them. He stated, however, that her duties in this respect are new with the current negotiations although he considers this to be a normal part of her present and future duties.

The radio operator and receptionist is the only secretary to the Commissioner except that some materials are typed by the clerk-accountant. She is paid \$290 per month, the salary similar to stenographic positions in the County Courthouse.

According to the Highway Commissioner when the job of radio operator and receptionist was posted the posting indicated that it was to be a "non-union" job. The Union stated that this posting met with objection from the Union at the time.

We conclude that the radio operator and receptionist position, as now constituted, should not be excluded from the bargaining unit as a confidential position. Confidential employes are "those who are privy to the decisions of management with respect to personnel

and labor practices."^{1/} While it is true that said employe has been requested to type some drafts of bargaining proposals, a vast majority of her time is spent on work included within the unit, namely, as telephone operator and radio operator, and receptionist, and performing non-confidential clerical work. We do not regard the "radio roll call" as confidential work.

Infrequent performance of confidential duties does not constitute sufficient grounds to exclude from the bargaining unit an employe who performs bargaining unit work a majority of the time. Infrequent assignments of a confidential nature would permit an employer to remove anyone from the bargaining unit simply by assigning them an occasional confidential task. Such a result would not effectuate the policy or purpose of Section 111.70, Wisconsin Statutes.

Based on the above, we are satisfied that the position of radio operator and receptionist does not perform such confidential duties to the extent that such position should be excluded from the voluntarily recognized bargaining unit.

Dated at Madison, Wisconsin, this 30th day of September, 1969.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Morris Slavney -
Morris Slavney, Chairman

Zel S. Rice II
Zel S. Rice II, Commissioner

William R. Wilberg
William R. Wilberg, Commissioner

^{1/} Winnebago County Hospital (6043) 7/62.