

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

WISCONSIN COUNCIL OF COUNTY AND
MUNICIPAL EMPLOYEES, AFSCME, AFL-CIO
LOCAL 655-C

Case I
No. 13468 ME-515
Decision No. 9516-D

For Clarification of Bargaining
Unit of Certain Employees of

CITY OF LAKE MILLS

Appearances:

Mr. Darold O. Lowe, District Representative, appearing on behalf
of the Petitioner.

Mr. John Neupert, City Attorney, appearing on behalf of the
Municipal Employer.

ORDER CLARIFYING BARGAINING UNIT

Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, Local 655-C, hereinafter the Petitioner, having on September 5, 1975, filed a petition with the Wisconsin Employment Relations Commission wherein it requested that the Commission clarify a certified collective bargaining unit consisting of all regular full-time and regular part-time employees of the City of Lake Mills, but excluding professional, managerial, supervisory and confidential employees, to determine whether the position of Administrative Aide should be included or excluded from the unit described above; and a hearing in the matter having been conducted on October 9, 1975, Kay Hutchison, 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

ORDER

That the position of Administrative Aide be, and the same hereby is, included in the above-described collective bargaining unit.

Given under our hands and seal at the
City of Madison, Wisconsin this 17th
day of March, 1976.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
Morris Slavney, Chairman

Howard S. Bellman
Howard S. Bellman, Commissioner

Herman Torosian
Herman Torosian, Commissioner

MEMORANDUM ACCOMPANYING ORDER CLARIFYING BARGAINING UNIT

The Union and the Municipal Employer are in dispute as to whether the recently created position of Administrative Aide, occupied by Timothy Schuenke, is appropriately included or excluded from the collective bargaining unit involved herein. The Municipal Employer, contrary to the Union, argues that the Administrative Aide is a confidential and managerial position and thereby should be excluded from the existing collective bargaining unit.

At the time of the hearing, Timothy Schuenke had been employed by the Municipal Employer during the previous year and a half. The death of a fellow employe resulted in an initial change in Schuenke's job duties in March, 1975. At that time Schuenke assumed the duties of the deceased employe in the areas of building inspection and cemetery sexton duties.

In June, 1975, Schuenke's job duties were revised once again. The Municipal Employer contracted out the cemetery grave digging previously performed by Schuenke and his predecessor, and assigned Schuenke additional responsibilities for the preparation of assessment costs. In particular, Schuenke works with, and revises, the property descriptions used in the assessment process. Thereby Schuenke's present duties are concentrated in the areas of inspection and assessment records. However, it appears that Schuenke also assumes general supervision over the cemetery operation and, on occasion, fills in for the Street Superintendent. Schuenke reports directly to the City Manager and performs special assignments at the City Manager's request. It is estimated that Schuenke spends approximately 40% of his working time on inspection duties, and the remainder of his time on office/clerical matters relating to assessments and special assignments.

The Municipal Employer argues that Schuenke's office/clerical responsibilities are confidential and managerial in nature. The Municipal Employer contends that Schuenke works with sensitive documents and renders decisions on behalf of the City Manager which affect department supervisors and superintendent.

Having reviewed the record as a whole, the Commission is satisfied that the incumbent Administrative Aide exercises neither confidential nor managerial duties. The Commission has consistently found employes to be confidential where they have access to or participation in matters relating to labor relations. 1/ In St. Croix County (11930-A) 6/73, the Commission held that the only employe in County zoning Administrator's office, with the exception of the Administrator, who has access to confidential records concerning zoning request, sewer systems, and other data which may affect property values, but who has no access to records pertaining to labor relations matters, not to be a confidential employe. In the instant proceeding, the Administrative Aide's work with assessment records does not involve access to or knowledge of confidential matters relating to labor relations.

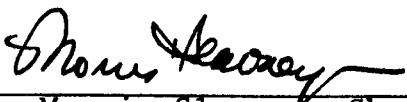
Furthermore, we are satisfied that Schuenke does not possess managerial responsibility. Although Schuenke may, on occasion, fill in for the Superintendent of Streets, such infrequent substitution

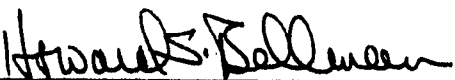
1/ City of Milwaukee (11971) 7/73, Juneau County (12814) 5/74.

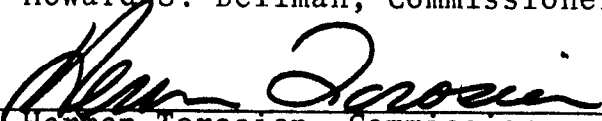
does not render him a managerial employee. The record discloses no evidence that the Administrative Aide participates in the formulation, determination or implementation of managerial policy. 2/ Accordingly, we have determined that the position of Administrative Aide, occupied by Timothy Schuenke, is appropriately included in the existing collective bargaining unit.

Dated at Madison, Wisconsin this 17th day of March, 1976.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 
Morris Slavney, Chairman


Howard S. Bellman, Commissioner


Herman Torosian, Commissioner