

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	:	Case III
Involving Certain Employes of	:	No. 13573 ME-538
EAU CLAIRE BOARD OF EDUCATION	:	Decision No. 9752
	:	
	:	

ORDER CLARIFYING COLLECTIVE BARGAINING UNIT

Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, having filed a petition with the Wisconsin Employment Relations Commission requesting that the Commission clarify the existing bargaining unit consisting of certain employes of the Eau Claire Board of Education, Eau Claire, Wisconsin, specifically whether the position of Audio-Visual Technician, a newly created position, should or should not be included in the bargaining unit mutually established by the parties as consisting of "head custodians, maintenance men, school lunch drivers, garbage haulers, custodians, warehousemen and matrons"; and hearing on said petition having been held at Eau Claire, Wisconsin, on April 13, 1970, before Edward B. Krinsky, Hearing Officer; and the Commission having reviewed the evidence and the arguments of the parties, and being fully advised in the premises, makes and issues the following

ORDER

That the newly created position of Audio-Visual Technician is not included in the existing collective bargaining unit as established by the parties.

Given under our hands and seal at the City of Madison, Wisconsin, this 24th day of June, 1970.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
 Morris Slavney, Chairman

Zel S. Rice II, Commissioner

William R. Wilberg
 William R. Wilberg, Commissioner

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MEMORANDUM ACCOMPANYING
ORDER CLARIFYING COLLECTIVE BARGAINING UNIT

In its petition initiating the instant proceeding, the Union alleged that the existing collective bargaining unit consisted of "all employes excluding supervisory, clerical and teaching personnel." However, the collective bargaining agreement presently in effect, and to continue in effect at least until December 31, 1970, sets forth the unit as "head custodians, maintenance men, school lunch drivers, garbage haulers, custodians, warehousemen and matrons." This unit was agreed upon by the parties without any formal proceeding before the Commission. The portion of the collective bargaining agreement containing the salary schedules for the employes covered by the agreement include the following classifications:

- | | |
|------------------------|---------------------------------------|
| Custodian, 1st Shift | Truck Driver, School Lunch Department |
| Custodian, 2nd Shift | |
| Custodian, 3rd Shift | Warehouseman |
| Head Custodian - Elem. | Head Custodian Jr. High School |
| Maintenance I | Head Custodian Sr. High School |
| Maintenance II | Matron |

While the unit described in the collective bargaining agreement, when such agreement was executed, might have included all classifications other than supervisory, clerical and teaching personnel, there is no provision in the agreement which provides for accretion of new classifications to the existing unit. The unit in existence resulted from an agreement between the parties and has not been established by the Commission. Further, we are satisfied that the majority of the duties of the Audio-Visual Technician are distinct and separate from any of the duties presently performed by any employe in the unit.

We have therefore determined that the newly created position Audio-Visual Technician is not included in the existing collective bargaining unit and therefore as a result will not be covered by the terms of the existing agreement. However, there is nothing to prevent the parties from attempting to come to some agreement with respect to the inclusion of the position in the existing unit and to the wages, hours and conditions of employment of the employe occupying said position.

Dated at Madison, Wisconsin, this 24th day of June, 1970.

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