

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

GENERAL TEAMSTERS UNION LOCAL 662

Involving Certain Employes of

CHIPPEWA COUNTY

Case 18

No. 54252 ME-845

Decision No. 10497-A

Appearances:

Previant, Goldberg, Uelmen, Gratz, Miller & Brueggeman, S.C., Attorneys at Law, by Mr. Frederick C. Miner, 1555 North Rivercenter Drive, Suite 202, Milwaukee, Wisconsin 53202, on behalf of Local 662.

Weld, Riley, Prenn & Ricci, S.C., Attorneys at Law, by Mr. Stephen L. Weld and Ms. Victoria L. Seltun, 500 Third Street, P.O. Box 8050, Wausau, Wisconsin 54402-8050, on behalf of the County.

FINDINGS OF FACT, CONCLUSION OF LAW
AND ORDER CLARIFYING BARGAINING UNIT

On June 25, 1996, General Teamsters Union Local 662 filed a petition with the Wisconsin Employment Relations Commission requesting that it clarify an existing bargaining unit of Chippewa County employes by including therein nine separate positions. The County opposed the petition on the grounds that the positions were supervisory, confidential, professional and/or managerial.

Hearing in the matter was held on October 30, 1996, before Stuart Levitan, a member of the Commission's staff, with a stenographic transcript being prepared by December 16, 1996. The parties filed written argument by February 3, 1997; the County filed a reply brief on March 3, 1997. On March 7, 1997, the Union waived its right to file same. The Commission, being fully advised in the premises, hereby issues the following

FINDINGS OF FACT

1. General Teamsters Union Local 662, herein the Union, is a labor organization with offices at 119 West Madison Street, P.O. Box 86, Eau Claire, Wisconsin.

No. 10497-A

2. Chippewa County, herein the County, is a municipal employer with offices at 711 North Bridge Street, Chippewa Falls, Wisconsin.

3. At all times material, the Union was the certified exclusive bargaining representative for a unit described in the parties' 1995-1996 contract as:

all regular full-time and regular part-time employees of Chippewa County in classifications listed in Appendix B of this Agreement, including related positions, but excluding professional, administrative, managerial, supervisory, confidential, temporary and part time employees employed less than 976 hours per year....

In 1996, the top wage rate in the collective bargaining agreement between the parties was \$12.23, for the positions of Employment Program Coordinator, Work Coordinator, Forest Parks Technician III and Cartographer.

4. James Koehler has been the County's Environmental Sanitarian for approximately ten years, at a current salary of approximately \$16.00 per hour, with the following duties and qualifications as excerpted from his position description:

Purpose of Position

The purpose of this position is to enforce Sanitary and well water system ordinances for Chippewa County.

Essential Duties and Responsibilities

The following duties are normal for this position. These are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned.

Inspects new and replacement private sewage system and well water system installations for compliance with County Ordinances and State standards. Inspects system sites and prepares reports. Issues permit recommendations.

Reports violations and assists enforcing zoning and sanitation ordinances. Prepares evidence and testifies at court proceedings. Investigates complaints of failed or illegal private sewage systems. Performs random inspections.

Provides information on private sewage installation criteria and

Wisconsin Fund Grant for failed systems. Administers Wisconsin Fund Grant program including assessing systems for eligibility, application preparation and forward grant money.

Reviews and approves soil test borings and reports for accuracy and compliance.

Performs sanitary surveys on lakes/subdivisions. Performs hazardous waste assessments. Collects water samples and releases test information.

Implements septic tank and holding tank maintenance programs.

Reviews private sewer system construction plans and performs on-site inspections during construction. Consults with plumbers, contractors, developers and landowners regarding private sewage systems.

Prepares reports, forms, correspondence and memos regarding private sewage systems as required.

Maintains knowledge of changes in technology, design and administrative codes regarding private sewage and well systems.

Serves on various committees, advisory groups, etc., as needed or assigned.

Issues County Ordinance citations and violation notices.

Performs Zoning Administrator duties in his/her absence.

Performs environmental health assessments on tax deeded property to verify County liability regarding toxic wastes, failing septic systems, illegal wells, etc.

Minimum Training and Experience Required to Perform Essential Job Functions

Bachelor's degree in Biology or related field and two years environmental health administration experience or any combination of education and experience that provides equivalent knowledge, skills, and abilities. Knowledge of septic and well system

construction practices, soil testing and zoning administration required. Wisconsin Sanitarian registration, soil tester certification, well water systems inspector license, Plumbing II inspector's license and motor vehicle operator's license all required.

Physical and Mental Abilities Required to Perform Essential Job Functions

Language Ability and Interpersonal Communication

Ability to analyze data and information using established criteria, in order to determine consequences and to identify and select alternatives. Ability to compare, count, differentiate, measure and/or sort, as well as assemble, copy, record and transcribe data and information. Ability to classify, compute, tabulate, and categorize data.

Ability to persuade, convince, and/or train others, including the ability to act in a lead worker capacity. Ability to advise and interpret how to apply policies, procedures and standards to specific situations.

Ability to utilize a variety of advisory and design data and information such as sanitary permits, soil test reports, well water applications, Wisconsin Fund Grant applications and requirements, septic and holding tank maintenance reports, a variety of Department and State forms, zoning and sanitation citations, a variety of maps, Wisconsin Statutes and Administrative Codes, soil charts, erosion control manual, County Zoning Ordinances, computer software operating manuals, construction plans and engineering manuals.

Ability to communicate orally and in writing with Department personnel, Zoning Committee, soil testers, plumbers, contractors, landowners, attorneys, realtors, land developers and Department of Natural Resource and other State land use agency personnel.

Mathematical Ability

Ability to apply algebraic and trigonometric formulas, ability to interpret inferential statistical reports, and ability to interpret formulation and equation data.

Judgment and Situational Reasoning Ability

Ability to use functional reasoning in performing influence functions such as supervising, managing, leading, teaching, directing and controlling.

Ability to exercise the judgment, decisiveness and creativity required in situations involving the evaluation of information against sensory and/or judgmental criteria.

Koehler has a Bachelor's degree in biology.

The County contends that Koehler should continue to be outside the bargaining unit because he is a professional employe, a managerial employe and a supervisor.

The Zoning Office consists of Koehler, Administrator Cronin (his direct supervisor), two bargaining unit secretaries, and an unrepresented summer intern who is recommended by the University of Wisconsin - Eau Claire. Koehler and the Administrator fill in for each other when one is absent or unavailable. During the last hire of a clerical employe, Koehler gave Cronin insight into an applicant based on personal acquaintanceship, but Cronin alone served as the interview panel. Koehler does not conduct performance evaluations of personnel. Koehler has authority to recommend discipline, but has not had occasion to so do. Koehler does not have a standard schedule each work day, but responds to applicant needs for review and inspection of sanitary and well systems. Koehler has authority to issue permits and issue citations, pursuant to codes and other standards set by State administrative procedures. In support of citations he has issued, Koehler has represented the County in court proceedings. Koehler oversees a grant program, totalling \$100,000 to \$200,000, administered by the State to subsidize replacement of private sanitary systems. Cronin does not supervise Koehler either in the disbursing of these funds or in the complaint/permitting set of tasks. Koehler recommends to Cronin items he would like included in the overall departmental budget. Following County Board adoption of an annual budget, Koehler can seek Zoning Committee approval to transfer funds between line items, but has no authority to make such transfers himself.

Koehler is engaged in work that is predominantly intellectual and varied in character; involving the consistent exercise of judgment and discretion in its performance; of such a character that output cannot be standardized in relation to a given period of time; and which requires knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher education.

5. Michael Swoboda is the County's Engineering Technician in the Land Conservation

Office, supervised by the Environmental Engineer, and with duties and qualifications excerpted from his position description as follows:

Purpose of Position

The purpose of this position is to design and implements non-point source water pollution abatement practices for Chippewa County Land Conservation Department.

ESSENTIAL DUTIES AND RESPONSIBILITIES

The following duties are normal for this position. These are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned.

Evaluates sites to assess problems and possible solutions. Performs topographic surveys.

Determines participating landowner/farm operator needs.

Develops best management practices design and reviews with landowner/farm operator. Plans and schedules construction work with contractor. Coordinates work schedules with landowner/farm operator.

Performs technical engineering analysis and tasks. Develops design parameters. Samples and analyzes soils. Prepares construction drawings with aid of computer.

Develops bid specifications. Prepares general conditions documents. Prepares project cost estimates. Solicits bids and conducts construction site tours. Reviews bids and awards contracts.

Lays out lines and grades for construction. Inspects construction methods and materials.

Negotiates, prepares and validates construction change orders. Certifies construction completion and compliance with required standards.

Reviews structure performance and recommends design improvements.

Reviews operation and maintenance compliance.

Reviews storm water and erosion control plans.

Documents daily contact with landowners/farm operators, contractors, other agency personnel, etc.

Maintains knowledge of current Department programs requirements, policies and procedures. Participates in on-going training.

MINIMUM TRAINING AND EXPERIENCE REQUIRED TO PERFORM ESSENTIAL JOB FUNCTIONS

Bachelor's degree in Civil Engineering, Soil Science, Agriculture Engineering or related field with three to five years related experience, or any combination of education and experience that provides equivalent knowledge, skills and abilities.

PHYSICAL AND MENTAL ABILITIES REQUIRED TO PERFORM ESSENTIAL JOB FUNCTIONS

Language Ability and Interpersonal Communication

Ability to analyze and categorize data and information in order to determine the relationship of the data with reference to establish criteria/standards. Ability to compare, count, differentiate, measure and/or sort data, as well as assemble, copy and record and transcribe data and information. Ability to classify, compute and tabulate data with aid of computer.

Ability to persuade, convince, and/or train others, including the ability to act in a lead worker capacity. Ability to advise and interpret how to apply policies, procedures and standards to specific situations. Ability to negotiate.

Ability to utilize a variety of advisory and design data and information such as soil analyses, zoning permits, invoices, maps, photos, survey notes, design drawings, computer generated pollution predictions, site evaluations, change orders, soil logs, contracts, project budgets, high tech manuals, computer software operating manuals, land use regulating agency manuals and engineering manuals.

Ability to communicate orally and in writing with Department

personnel, contractors, Forest and Park personnel, Land Conservation Committee, WCC crew leaders, Zoning Department personnel, State and Federal land use agency personnel, clients/landowners, private citizens and general public.

Mathematical Ability

Ability to apply algebraic and trigonometric formulas, ability to interpret inferential statistical reports and graphs, and ability to use and apply formulations and equations data.

Judgment and Situational Reasoning Ability

Ability to use functional reasoning in performing synthesis functions.

Ability to exercise the judgment, decisiveness and creativity required in situations involving the evaluation of information against sensory and/or judgmental criteria.

Swoboda has a Bachelor's degree in civil engineering.

The County contends that the position should continue to be outside the bargaining unit, because Swoboda is a professional employe, a managerial employe and a supervisor.

Swoboda, who has held the position for about 40 months, is paid \$15-\$16 an hour. Of the eight Land Conservation Department personnel, only one, a secretary, is represented. The remaining positions (department head, Project Agronomist, Watershed Manager, Environmental Engineer, Resource Inventory Specialist, Project Agronomist) are not at issue in this proceeding. Swoboda's daily and weekly schedule does not involve a set list of tasks, but is generally in response to the need for meetings with persons and parties seeking permits and reviews. In providing engineering services, Swoboda develops plans tailored to the individual specifics of each site. He has authority to approve design plans; advises parties in the solicitation and awarding of bids; can review need and appropriateness of change orders; and reviews erosion control plans. Swoboda has participated in the hiring of limited term employes for the Land Conservation Department, supervises their work in the field, and has authority to approve leaves.

Swoboda is engaged in work that is predominantly intellectual and varied in character; involving the consistent exercise of judgment and discretion in its performance; of such a character that output cannot be standardized in relation to a given period of time; and which requires knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher

education.

6. Lynn McIlquham is the Administrative Assistant in the Child Support Office, with duties and qualifications excerpted from her position description as follows:

Purpose of Position

The purpose of this position is to supervise and perform administrative support tasks and to assist the Chippewa County Child Support Administrator.

Essential Duties and Responsibilities

The following duties are normal for this position. These are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned.

Enforces various court, income withholding, and interstate orders. Determines appropriate action for establishing and enforcing paternity and support obligations.

Supervises clerical staff and child support specialists. Assigns tasks and reviews work. Trains personnel.

Prepares a variety of Agency summaries and forms such as tax intercept certifications, payment distribution worksheets, record documentation, tax adjustments reports federal refunds to Bureau of Child Support.

Drafts or dictates motions, orders to show cause, and affidavits for service and court action according to case review.

Screens and interviews new clients; gathers support information for court action.

Provides information to clients and the general public regarding Agency programs.

Prepares child support and paternity cases for court.

Assists the Administrator with Agency budgets, audits, staff meetings, employee hiring, performance evaluation and discipline.

Performs Administrator tasks in his/her absence.

Reviews cases, income tax forms and employment earning documents for compliance with existing support orders and State guidelines. Reviews income statements for revision of support orders.

Monitors and enforces substitute care cases.

Maintains child support manuals, bulletins, policies and procedures, etc.

Maintains case records; monitors child support payments, arrears payments, Medical Support payments, insurance records, etc.

Appears in court and testifies and provides recommendations regarding support orders. Consults with child support attorney regarding cases.

Prepares reports, letters, and other correspondence relating to cases; maintains rules of confidentiality as required; prepares expense and statistical reports.

Maintains current knowledge of laws, rules, and other regulations relating to child support issues.

Attends various meetings as required.

Conducts committee meetings in Administrator's absence.

Additional Tasks and Responsibilities

While the following tasks are necessary for the work of the unit, they are not an essential part of the purpose of this position and may also be performed by other unit members.

Types various document, forms, correspondence.

Sorts and files documents. Photocopies documents.

Completes child support refund request forms.

Performs Department of Motor Vehicle information searches.

Orders office supplies.

Receives service fees.

Notarizes documents.

Minimum Training and Experience Required to Perform Essential Job Functions

High school diploma with vocational/technical training in human services field and three years experience in human services/child support setting, or any combination of education and experience that provides equivalent knowledge, skills, and abilities.

Physical and Mental Abilities Required to Perform Essential Job Functions

Language Ability and Interpersonal Communication

Ability to analyze and categorize data and information in order to determine the relationship of the data with reference to established criteria/standards. Ability to compare, count, differentiate, measure and/or sort data, as well as assemble, copy and record and transcribe data and information. Ability to classify, compute and tabulate data.

Ability to persuade, convince, and/or train others, including the ability to act in a supervisory capacity. Ability to advise and interpret how to apply policies, procedures and standards to specific situations.

Ability to utilize a variety of advisory data and information such as court orders, a variety of legal documents, financial statements, tax forms, Department of Motor Vehicle records, Child Support Case Management Manual, recordkeeping guidelines, Child Support Forms Manual, Wisconsin Statutes, Child Support Law Reports and bulletins, computer software operating manuals, procedures, guidelines and non-routine correspondence.

Ability to communicate effectively with Child Support

Administrator, Child Support staff, Clerk of Court personnel, attorneys, clients, investigators, out-of-state and other County child support agencies, State Bureau of Child Support personnel, County Treasurer and Register of Deeds, Social Services personnel.

Mathematical Ability

Ability to add and subtract, multiply and divide, and calculate percentages, fractions, and decimals.

Judgment and Situational Reasoning Ability

Ability to use functional reasoning in performing influence functions such as supervising, managing, leading, teaching, directing and controlling.

Ability to exercise the judgment, decisiveness and creativity required in situations involving the evaluation of information against measurable criteria.

The County contends that McIlquham should continue to be outside the bargaining unit because she is a managerial employe and a supervisor.

The Child Support Agency consists of the Administrator, James Cardinal; McIlquham; three clericals and four Child Support Specialists responsible for the overall enforcement of child support orders, the latter seven in the bargaining unit identified in Finding of Fact 3. McIlquham, two Specialists and the three clericals are on the first floor of the County office building, with Cardinal and the other two Specialists on the third floor. McIlquham, who has served approximately 13 years, is paid \$13.70 per hour; the clericals are paid \$10.00 to \$12.00 per hour and Specialists are paid approximately \$12.00 per hour. McIlquham has sat in on all job interviews since approximately 1984; her recommendations and those of the Director have been in agreement on all cases (approximately 20) except for two. McIlquham has conducted performance evaluations of staff members for the Director's review, and has made effective recommendations on the passage of probation by both clericals and Specialists. Her exercise of disciplinary authority has been limited to advising one individual of the need for timely arrival in the morning, and informally counseling staff members to resolve conflicts. McIlquham would speak with Cardinal before suspending an employe.

McIlquham has been involved in training staff to implement a new statewide computer system known as KIDS. McIlquham does not play a role in the grievance process. McIlquham has provided input in the annual budget preparation. McIlquham fills in for Cardinal in his absence, including lengthy hospitalizations and leaves of absence. In Cardinal's absence, McIlquham has authority to approve leaves and overtime, but does not set daily schedules, standardized at 8:00 a.m. to 4:30 p.m. McIlquham makes determinations on when to close a case, pursuant to adopted guidelines. Child support cases are assigned based on an alphabetical allocation; if a Specialist advises McIlquham that the Specialist believes there is a personal conflict with a particular case, McIlquham reassigns the case; apart from self-reporting by the Specialists, McIlquham has not

conducted any independent inquiries on her own.

McIlquham possesses supervisory authority in sufficient combination and degree to be deemed a supervisor.

7. Richard Merrell is the Systems Programmer I/Information Systems, with duties and qualifications excerpted from his position description as follows:

Purpose of Position

The purpose of this position is to provide personal computer hardware and software user consultation and support for Chippewa County.

Essential Duties and Responsibilities

The following duties are normal for this position. These are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned.

Analyzes, installs and configures personal computer software, hardware and peripheral disk drives, memory, printers, etc.

Prepares personal computer work stations for connections to networks and mainframe computer.

Consults with personal computer users regarding software needs and problems. Implements and tests software modifications and applications. Instructs users on modifications and applications.

Runs and connects cables to computer networks, printers and other peripheral equipment and devices.

Instructs users regarding printer operations, backup procedures, modem operations and PC operating systems.

Implements data backup and restoration procedures for networks and mainframe computer.

Maintains knowledge of current personal computer software and hardware developments.

Operates mainframe computer. Installs upgrades and new releases of OS/400.

Additional Tasks and Responsibilities

While the following tasks are necessary for the work of the unit, they are not an essential part of the purpose of this position and may also be performed by other unit members.

Prints payroll and voucher checks, tax bills, reports and forms from compiled mainframe computer database.

Distributes computer supplies to users.

Minimum Training and Experience Required to Perform Essential Job Functions

Associate degree in Data Processing or Computer Science with one to two years computer experience including COBAL data base and personal computer programming, and one year stand alone PC and network configuration training, or any combination of education and experience that provides equivalent knowledge, skills, and abilities.

Physical and Mental Abilities Required to Perform Essential Job Functions

Language Ability and Interpersonal Communication

Ability to analyze data and information using established criteria, in order to determine consequences and to identify and select alternatives. Ability to compare, count, differentiate, measure and/or sort, as well as assemble, copy, record and transcribe data and information. Ability to classify, compute, tabulate, and categorize data.

Ability to persuade, convince, and/or train others, including the ability to act in a lead worker capacity. Ability to advise and interpret how to apply policies, procedures and standards to specific situations.

Ability to utilize a variety of advisory and design data and information such as computer software and hardware manuals, computer generated reports, technical computer reports and computer languages.

Ability to communicate effectively with Information Systems personnel, County personal computer users, trainees.

Mathematical Ability

Ability to apply algebraic and trigonometric formulas, ability to interpret inferential statistical reports, and ability to interpret formulation and equation data.

Judgment and Situational Reasoning Ability

Ability to use functional reasoning in performing influence functions such as supervising, managing, leading, teaching, directing and controlling.

Ability to exercise the judgment, decisiveness and creativity required in situations involving the evaluation of information against sensory and/or judgmental criteria.

The County contends that Merrell should continue to be outside the bargaining unit because he is a professional employe and a confidential employe. The Commission needs additional information before it can determine Merrell's status.

8. Therese Greenhalgh is a Systems Programmer I/Information Systems, with duties and qualifications excerpted from her position description as follows:

Purpose of Position

The purpose of this position is to provide personal computer hardware and software user consultation and support for Chippewa County.

Essential Duties and Responsibilities

The following duties are normal for this position. These are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned.

Analyzes, installs and configures personal computer software, hardware and peripheral disk drives, memory, printers, etc.

Consults with personal computer users regarding software needs and

problems. Implements and tests software modifications and applications. Instructs users on modifications and applications.

Runs and connects cables to computer networks, printers and other peripheral equipment and devices.

Instructs users regarding printer operations, backup procedures, modem operations and PC operating systems.

Implements data backup and restoration procedures for networks and mainframe computer.

Maintains knowledge of current personal computer software and hardware developments.

Maintains mainframe computer. Installs upgrades and new releases of OS/400.

Additional Tasks and Responsibilities

While the following tasks are necessary for the work of the unit, they are not an essential part of the purpose of this position and may also be performed by other unit members.

Prints payroll and voucher checks, tax bills, reports and forms from compiled mainframe computer database.

Minimum Training and Experience Required to Perform Essential Job Functions

Associate degree in Data Processing or Computer Science with one to two years computer experience including COBAL data base and personal computer programming, and one year stand alone PC and network configuration training, or any combination of education and experience that provides equivalent knowledge, skills, and abilities.

Physical and Mental Abilities Required to Perform Essential Job Functions

Language Ability and Interpersonal Communication

Ability to analyze data and information using established criteria, in

order to determine consequences and to identify and select alternatives. Ability to compare, count, differentiate, measure and/or sort, as well as assemble, copy, record and transcribe data and information. Ability to classify, compute, tabulate, and categorize data.

Ability to persuade, convince, and/or train others, including the ability to act in a lead worker capacity. Ability to advise and interpret how to apply policies, procedures and standards to specific situations.

Ability to utilize a variety of advisory and design data and information such as computer software and hardware manuals, computer generated reports, technical computer reports and computer languages.

Ability to communicate effectively with Information Systems personnel, County personal computer users, trainees.

Mathematical Ability

Ability to apply algebraic and trigonometric formulas, ability to interpret inferential statistical reports, and ability to interpret formulation and equation data.

Judgment and Situational Reasoning Ability

Ability to use functional reasoning in performing influence functions such as supervising, managing, leading, teaching, directing and controlling.

Ability to exercise the judgment, decisiveness and creativity required in situations involving the evaluation of information against sensory and/or judgmental criteria.

The County contends that Greenhalgh should continue to be outside the bargaining unit because she is a professional employe and a confidential employe. The Commission needs additional information before it can determine Greenhalgh's status.

9. Ronald Strasburg is Programmer/Analyst/Information Systems, with duties and qualifications excerpted from his position description as follows:

Purpose of Position

The purpose of this position is to develop new and maintain existing computer program applications; diagnose related application problems and implement solutions for Chippewa County.

Essential Duties and Responsibilities

The following duties are normal for this position. These are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned.

Analyzes computer software operating problems and implements solutions.

Tests and documents modifications to existing applications.

Maintains existing computer program applications.

Consults with County computer users to determine program and application needs and modifications. Designs and develops new computer programming and applications. Tests and documents new applications.

Coordinates County systems and software with outside government agencies and other organizations.

Develops applications operating instructions.

Maintains knowledge of existing County computer operating systems and networks.

Operates computer system.

Additional Tasks and Responsibilities

While the following tasks are necessary for the work of the unit, they are not an essential part of the purpose of this position and may also be performed by other unit members.

Assists computer users with hardware problems.

Operates main computer printers.

Installs computer cables. Moves terminals and printers.

Minimum Training and Experience Required to Perform Essential Job Functions

Bachelor's degree in Information Systems, Computer Science or related field with three to five years experience in information systems, COBOL programming, and computer design and development, or any combination of education and experience that provides equivalent knowledge, skills, and abilities.

Physical and Mental Abilities Required to Perform Essential Job Functions

Language Ability and Interpersonal Communication

Ability to analyze data and information using established criteria, in order to determine consequences and to identify and select alternatives. Ability to compare, count, differentiate, measure and/or sort, as well as assemble, copy, record and transcribe data and information. Ability to classify, compute, tabulate, and categorize data.

Ability to persuade, convince, and/or train others, including the ability to act in a lead worker capacity. Ability to advise and interpret how to apply policies, procedures and standards to specific situations.

Ability to utilize a variety of advisory and design data and information such as computer hardware and software manuals, computer generated reports, information systems service requests, a variety of computer files and records, County policies and procedures, computer languages and accounting methods.

Ability to communicate effectively with Information Systems personnel, County Department Heads and computer users, State agency personnel, County Board Supervisors, vendor representatives.

Mathematical Ability

Ability to apply algebraic and trigonometric formulas, ability to interpret inferential statistical reports, and ability to interpret

formulation and equation data.

Judgment and Situational Reasoning Ability

Ability to use functional reasoning in performing influence functions such as supervising, managing, leading, teaching, directing and controlling.

Ability to exercise the judgment, decisiveness and creativity required in situations involving the evaluation of information against sensory and/or judgmental criteria.

The County contends that Strasburg should continue to be outside the bargaining unit because he is a professional employe and a confidential employe. The Commission needs additional information before it can determine Strasburg's status.

10. Pam Kasten is the Administrative Assistant in the Department of Aging, with duties and qualifications excerpted from her position description as follows:

Purpose of Position

The purpose of this position is to direct, supervise and perform financial accounting and confidential clerical tasks for the Chippewa County Department of Aging.

Essential Duties and Responsibilities

The following duties are normal for this position. These are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned.

Performs/supervises Department bookkeeping tasks. Enters financial information into journals. Prepares invoices and enters into computer. Retrieves information for program financial and participation reports. Totals and verifies monthly meal totals and reconciles to donation receipt deposits. Prepares donation deposits with County Treasurer. Reconciles Department ledgers to County records. Prepares journal vouchers. Enters information from check register in journals for invoices. Closes books at year end.

Provides financial and related information to independent auditors.

Assists with annual audit.

Prepares reports from compiled information such as monthly and quarterly financial and performance reports, annual nutrition program report, annual volunteer summary and Aging program reports.

Monitors office operations. Performs reception tasks. Answers and routes telephone calls, greets and directs visitors.

Assists in preparing annual Department operation budget. Prepares and submits office budget.

Assists in developing annual Department reports.

Sorts and files documents. Maintains nutrition program and other program participant lists in computer database. Prepares monthly home-delivered meal lists. Enters volunteer information into computer database.

Computes meal/nutrition site costs.

Prepares bi-weekly department payroll.

Types a variety of documents such as meeting agendas and minutes, memos, correspondence, newsletter copy, reports, forms, etc.

Supervises staff under the direction of the Department Head.

Additional Tasks and Responsibilities

While the following tasks are necessary for the work of the unit, they are not an essential part of the purpose of this position and may also be performed by other unit members.

Records home-meal client intake information.

Receives and signs for deliveries.

Picks up incoming mail. Processes outgoing mail.

Arranges frozen meal pick-up. Schedules home-delivered meals.

Schedules volunteer drivers. Assists clients with information and filling out forms in absence of Benefit Specialist.

Relays meal order count to providers.

Assists in planning volunteer events.

Minimum Training and Experience Required to Perform Essential Job Functions

High school diploma or equivalent with vocational secretarial/bookkeeping training and one year related experience, or any combination of education and experience that provides equivalent knowledge, skills, and abilities.

Physical and Mental Abilities Required to Perform Essential Job Functions

Language Ability and Interpersonal Communication

Ability to analyze and categorize data and information in order to determine the relationship of the data with reference to established criteria/standards. Ability to compare, count, differentiate, measure and/or sort data, as well as assemble, copy and record and transcribe data and information. Ability to classify, compute and tabulate data.

Ability to advise and provide interpretation to others on how to apply policies, procedures and standards to specific situations.

Ability to utilize a variety of advisory data and information such as financial statements, computer software operating manuals, budgets, client participation lists, schedules, invoices, billing statements, meeting minutes, menus, accounting principles manuals, time sheets, a variety of program reports, payroll forms, County Aging Plan, nutrition program reports, procedures, guidelines, non-routine correspondence and laws.

Ability to communicate effectively with Aging Staff and Director, meal providers, County Auditor and staff, independent auditor, County Treasurer, payroll clerk, social worker, nurses, bank personnel, vendor representatives.

Mathematical Ability

Ability to add and subtract, multiply and divide, and calculate percentages, fractions, and decimals.

Judgment and Situational Reasoning Ability

Ability to use functional reasoning and apply rational judgment in performing diversified work activities.

Ability to exercise the judgment, decisiveness and creativity required in situations involving the evaluation of information against sensory and/or judgmental criteria.

The County contends that Kasten should continue to be outside the bargaining unit because she is a managerial employe and a supervisor.

Kasten has held this position for 13 years, and is paid approximately \$12.50 per hour. The Department consists of a Director; Kasten; the Program Assistant II/Benefit Specialist, who is represented by the Union; a represented half-time Program Assistant I, currently vacant; and 15 unrepresented limited term employes who run nutrition sites and perform related duties. The Department has no clerical employes, leaving Kasten to perform many of the reporting and bookkeeping functions. The Benefit Specialist is paid approximately \$10.60 per hour, and is supervised from the Elder Law Center. Kasten has supervisory responsibility over the limited-term employes during absences of the Director to the limited extent of granting or denying leave requests and resolving employe/client complaints. Kasten has no role in hiring or disciplining employes. Kasten plays a role in the evaluation of limited term employes to the extent she monitors and reports to the Director regarding the accuracy of their reports.

The Department receives funds from several State and federal sources. Kasten prepares the Department budget, based on input from the Director and extrapolation from the prior year's budget. The annual budget generally consists of the same accounts and line items each year.

During severe winter weather, in the absence of the Director, Kasten has shut meal sites three times. On occasion, Kasten will do meal delivery herself if there is nobody else available. Kasten has frequent contact with the public, answering questions and explaining established Department policy. Kasten frequently makes determinations as to client eligibility.

Kasten does not participate in the formulation, determination and implementation of management policy to a sufficiently high degree, or have sufficient authority to commit the employer's resources to be deemed a managerial employe. Kasten does not possess supervisory authority in sufficient combination and degree to be deemed a supervisor.

11. Cheryl Geissler is the Deputy Auditor/Payroll Coordinator, with duties and qualifications excerpted from her position description as follows:

Purpose of Position

The purpose of this position is to perform employee compensation and benefits accounting/auditing and record-keeping tasks for the Chippewa County Finance Department.

Essential Duties and Responsibilities

The following duties are normal for this position. These are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned.

Monitors and reviews employee payroll information additions/changes. Enters employee payroll information into the computer database.

Reviews and enters bi-weekly payroll and reimburse expenses into the computer database.

Prepares/reviews special payment requests such as uniform allowance, sick leave, insurance reimbursements, longevity, etc.

Retrieves compiled payroll data for reports. Distributes reports.

Posts payroll to general ledger.

Reconciles and prepares a variety of documentation such as payroll tax vouchers, payroll tax and liability accounts, payroll deduction checks, deferred compensation payments, unemployment reports, Wisconsin Retirement System summaries, insurance deductions, employee census reports, and employment statistic reports. Prepares compensation and sick leave reports.

Monitors employee hours for Wisconsin Retirement Fund eligibility.

Reconciles insurance and WRS accounts monthly.

Enters and reviews County Board and Commissions payroll information.

Performs internal audits of Departmental payroll related activities.

Coordinates special deduction, flex time, and other payroll related activities.

Represents and assumes County Auditor duties in his/her absence.

Completes small claims garnishment forms and returns to appropriate authorities.

Advises other departmental staff regarding payroll and accounting matters.

Additional Tasks and Responsibilities

While the following tasks are necessary for the work of the unit, they are not an essential part of the purpose of this position and may also be performed by other unit members.

Performs tasks of Deputy Auditor in his/her absence.

Verifies employment from inquiries.

Processes disability claim forms.

Reviews and returns employee insurance applications/charges.

Provides information to employees and insurance company representatives.

Assists Auditor with special projects as requested. Assists outside auditors by providing information.

Minimum Training and Experience Required to Perform Essential Job Functions

Associate degree in Accounting, Data Processing or related field with one to two years previous payroll accounting experience, or any combination of education and experience that provides equivalent knowledge, skills, and abilities.

Physical and Mental Abilities Required to Perform Essential Job Functions

Language Ability and Interpersonal Communication

Ability to classify, compute and tabulate data and information, following a prescribed plan requiring the exercise of some judgment.

Ability to compare, count, differentiate, measure and sort information. Ability to assemble, copy, record and transcribe data and information.

Ability to advise and provide interpretation to others how to apply policies, procedures and standards to specific situations.

Ability to utilize a wide variety of descriptive data and information, such as regulations, employment tax withholding forms and manuals, insurance applications and forms, COBRA notices, employee salary schedules, WRS forms, premium waivers, labor reports, time sheets, employee deduction forms, union contracts, insurance manuals, employment related report forms and manuals, unemployment contribution forms, tax deposit forms, withholding tax tables, deferred compensation schedules, garnishment documents, correspondence and computer software operating manuals.

Ability to communicate effectively with Finance Department personnel, County employees, State and Federal labor agencies, U.S. Internal Revenue Service, and company representatives.

Mathematical Ability

Ability to calculate percentages, fractions, decimals, volumes, ratios, and present values, and ability to interpret basic descriptive statistical reports.

Judgment and Situational Reasoning Ability

Ability to use functional reasoning and apply rational judgment in performing diversified work activities.

Ability to exercise the judgment, decisiveness and creativity required in situations involving the evaluation of information against measurable criteria.

The County contends that Geissler should continue to be outside the bargaining unit

because she is a professional employe, a managerial employe and a confidential employe.

At the time of hearing, Geissler had worked for the County for approximately seven months, and was paid \$11.26 per hour. She has a Bachelor's Degree in accounting and an Associate Degree in computer science. As primary staff for coordinating payroll activity, she develops all personnel and payroll reports. She has had negligible involvement in the budget process. As primary staff for the County Finance Committee, the Audit Department assists in the preparation of the annual budget, although Geissler is unsure how certain cost centers might be developed to hold money for future personnel exigencies. Geissler makes determinations how to respond to matters affecting payroll, such as wage garnishments. Geissler has had no involvement in confidential matters relating to labor relations, but may in the future compute the cost of wage and benefit changes.

Geissler does not have sufficient access to and knowledge of confidential matters relating to labor relations to be deemed a confidential employe.

Geissler is engaged in work that is predominantly intellectual and varied in character; involving the consistent exercise of discretion and judgment; of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; but which does not require knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction in an institution of higher education.

Geissler does not participate in the formulation, determination and implementation of management policy to a sufficiently high degree or have sufficient authority to commit the employer's resources to be deemed a managerial employe.

12. Carla Brown is the Deputy Auditor/Accountant, with duties and qualifications excerpted from her position description as follows:

Purpose of Position

The purpose of this position is to perform accounting/auditing tasks for the Chippewa County Finance Department.

Essential Duties and Responsibilities

The following duties are normal for this position. These are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned.

Processes accounts payable vouchers and voucher payable checks.

Reviews bills, statements, and vouchers for accuracy. Enters information into computer database.

Assists County Auditor in preparing annual County budget, and in the creation and implementation of accounting procedures. Performs account audits.

Assists Department Heads and account personnel regarding accounting and audit procedures.

Reviews account information for accuracy and prepares related financial statements.

Creates and posts entries to journals.

Retrieves accounts payable, voucher, and receipt information from the computer database to create spreadsheets/reports.

Verifies reimbursed expense requests.

Monitors Wisconsin Retirement Fund employee eligibility and prepares and distributes related report.

Types correspondence, memos, reports, and forms.

Performs internal audits of other County Departments as directed by County Auditor.

Reviews daily vendor maintenance report. Adds new vendor information to Department records.

Advises other departmental staff regarding accounting matters.

Additional Tasks and Responsibilities

While the following tasks are necessary for the work of the unit, they are not an essential part of the purpose of this position and may also be performed by other unit members.

Orders office supplies.

Sorts and files reports and other documents.

Verifies employment status from inquiries.

Assists entering payroll information into the computer database.

Retrieves information from records for outside auditors.

Performs tasks of other Deputy Auditor in his/her absence.

Minimum Training and Experience Required to Perform Essential Job Functions

Associate degree in accounting, data processing or related field with one to two years previous accounting experience, or any combination of education and experience that provides equivalent knowledge, skills, and abilities.

Physical and Mental Abilities Required to Perform Essential Job Functions

Language Ability and Interpersonal Communication

Ability to classify, compute and tabulate data and information, following a prescribed plan requiring the exercise of some judgment.

Ability to compare, count, differentiate, measure and sort information. Ability to assemble, copy, record and transcribe data and information.

Ability to advise and provide interpretation to others on how to apply policies, procedures and standards to specific situations.

Ability to utilize a wide variety of descriptive data and information, such as regulations, invoices, billing statements, time sheets, requests for reimbursement, journal entries, financial statements, vouchers, State Uniform Chart of Accounts, IRS guidelines, correspondence and computer software operating manuals.

Ability to communicate effectively with Department staff, County Department Heads and financial workers, and vendor representatives.

Mathematical Ability

Ability to calculate percentages, fractions, decimals, ratios, and/or present values, ability to interpret basic descriptive statistical reports.

Judgment and Situational Reasoning Ability

Ability to use functional reasoning and to apply rational judgment in performing diversified work activities.

Ability to exercise the judgment, decisiveness and creativity required in situations involving the evaluation of information against measurable criteria.

The County contends that Brown should continue to be outside the bargaining unit because she is a professional employe, a managerial employe and a confidential employe.

Brown has held the position for four years, after serving two years as Program Specialist in the Social Services Department, and is paid \$12.65 per hour. She holds Associate Degrees in accounting and data processing. Her job duties vary daily, but generally consist of processing accounts payable and receivable, monitoring grant funds, preparing journal entries and related tasks. Brown coordinates among departments and external auditors. Brown wrote the manuals for the County accounting system. At the request of a department head, Brown can administratively move funds within an adopted budget.

Brown's responsibilities for preparation of the County budget necessarily make her aware of the amount of money the County is considering budgeting for wage and fringe benefit increases. Brown has, on occasion, provided costing information to be used by the County during collective bargaining.

Brown has sufficient access to and knowledge of confidential matters relating to labor relations to be deemed a confidential employe.

13. The County Personnel Department consists of Personnel Director Margaret McCloskey, 1.25 full time equivalent clericals, and a part-time temporary clerical. The Department is responsible for such personnel functions as collective bargaining and contract administration, hiring and testing. In daily operations of her office, McCloskey frequently calls upon other departments, such as the County Clerk, the Finance Department and Information Systems, for assistance. McCloskey seeks to do costing for negotiations on her own but, if problems arise or she is unable to access a specific piece of information, consults with Information Systems. In negotiations in which McCloskey has participated, Information Systems involvement has consisted of formatting or modifying existing structures, and not costing bargaining proposals during negotiations. In March, 1996, the Chippewa County Board adopted an ordinance which charged the Personnel Committee with the responsibility for collective bargaining, and the Finance Committee with the responsibility for presenting to the Board an annual budget and recommending to the Personnel Committee the "perimeters (sic) for negotiations".

Based upon the above and foregoing Findings of Fact, the Commission makes and issues the following

CONCLUSIONS OF LAW

1. The occupants of the positions of Environmental Sanitarian (Koehler) and Engineering Technician (Swoboda) are professional employes within the meaning of Sec. 111.70(1)(L), Stats.

2. The occupant of the position of Deputy Auditor/Accountant (Brown) is a confidential employe within the meaning of Sec. 111.70(1)(i), Stats.

3. The occupant of the position of Administrative Assistant/Child Support (McIlquham) is a supervisor within the meaning of Sec. 111.70(1)(o), Stats.

4. The occupant of the Administrative Assistant/Aging (Kasten) is neither a managerial employe within the meaning of Sec. 111.70(1)(i), Stats., nor a supervisor within the meaning of Sec. 111.70(1)(o), Stats., but is a municipal employe within the meaning of Sec. 111.70(1)(i), Stats.

5. The occupant of the position of Deputy Auditor/Payroll (Geissler) is neither a professional employe within the meaning of Sec. 111.70(1)(L), Stats., nor a managerial or confidential employe within the meaning of Sec. 111.70(1)(i), Stats., but is a municipal employe within the meaning of Sec. 111.70(1)(i), Stats.

Based upon the above and foregoing Findings of Fact and Conclusions of Law, the Commission makes and issues the following

ORDER 1/

1. The positions/employees identified in Conclusions of Law 1-3 shall continue to be excluded from the bargaining unit described in Finding of Fact 3.

(Footnote 1/ appears on the next page.)

2. The positions/employees identified in Conclusions of Law 4-5 are added to the bargaining unit described in Finding of Fact 3.

Given under our hands and seal at the City of Madison, Wisconsin, this 22nd day of August, 1997.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By James R. Meier /s/
James R. Meier, Chairperson

A. Henry Hempe /s/
A. Henry Hempe, Commissioner

Paul A. Hahn /s/
Paul A. Hahn, Commissioner

1/ Pursuant to Sec. 227.48(2), Stats., the Commission hereby notifies the parties that a petition for rehearing may be filed with the Commission by following the procedures set forth in Sec. 227.49 and that a petition for judicial review naming the Commission as Respondent, may be filed by following the procedures set forth in Sec. 227.53, Stats.

227.49 Petitions for rehearing in contested cases. (1) A petition for rehearing shall not be prerequisite for appeal or review. Any person aggrieved by a final order may, within 20 days after service of the order, file a written petition for rehearing which shall specify in detail the grounds for the relief sought and supporting authorities. An agency may order a rehearing on its own motion within 20 days after service of a final order. This subsection does not apply to s. 17.025(3)(e). No agency is required to conduct more than one rehearing based on a petition for rehearing filed under this subsection in any contested case.

227.53 Parties and proceedings for review. (1) Except as otherwise specifically provided by law, any person aggrieved by a decision specified in s. 227.52 shall be entitled to judicial review thereof as provided in this chapter.

(Footnote 1/ continues on the next page.)

(Footnote 1/ continues from previous page.)

(a) 1. Proceedings for review shall be instituted by serving a petition therefor personally or by certified mail upon the agency or one of its officials, and filing the petition in the office of the clerk of the circuit court for the county where the judicial review proceedings are to be held.

2. Unless a rehearing is requested under s. 227.49, petitions for review under this paragraph shall be served and filed within 30 days after the service of the decision of the agency upon all parties under s. 227.48. If a rehearing is requested under s. 227.49, any party desiring judicial review shall serve and file a petition for review within 30 days after service of the order finally disposing of the application for rehearing, or within 30 days after the final disposition by operation of law of any such application for rehearing. The 30-day period for serving and filing a petition under this paragraph commences on the day after personal service or mailing of the decision by the agency.

3. If the petitioner is a resident, the proceedings shall be held in the circuit court for the county where the petitioner resides, except that if the petitioner is an agency, the proceedings shall be in the circuit court for the county where the respondent resides and except as provided in ss. 77.59(6)(b), 182.70(6) and 182.71(5) (g). The proceedings shall be in the circuit court for Dane county if the petitioner is a nonresident. If all parties stipulate and the court to which the parties desire to transfer the proceedings agrees, the proceedings may be held in the county designated by the parties. If 2 or more petitions for review of the same decision are filed in different counties, the circuit judge for the county in which a petition for review of the decision was first filed shall determine the venue for judicial review of the decision, and shall order transfer or consolidation where appropriate.

(b) The petition shall state the nature of the petitioner's interest, the facts showing that petitioner is a person aggrieved by the decision, and the grounds specified in s. 227.57 upon which petitioner contends that the decision should be reversed or modified. The petition may be amended, by leave of court, though the time for serving the same has expired. The petition shall be entitled in the name of the person serving it as petitioner and the name of the agency whose decision is sought to be reviewed as respondent. . .

(Footnote 1/ continues on the next page.)

(Footnote 1/ continues from previous page.)

(c) A copy of the petition shall be served personally or by certified mail or, when service is timely admitted in writing, by first class mail, not later than 30 days after the institution of the proceeding, upon each party who appeared before the agency in the proceeding in which the decision sought to be reviewed was made or upon the party's attorney of record. A court may not dismiss the proceeding for review solely because of a failure to serve a copy of the petition upon a party or the party's attorney of record unless the petitioner fails to serve a person listed as a party for purposes of review in the agency's decision under s. 227.47 or the person's attorney of record.

Note: For purposes of the above-noted statutory time-limits, the date of Commission service of this decision is the date it is placed in the mail (in this case the date appearing immediately above the signatures); the date of filing of a rehearing petition is the date of actual receipt by the Commission; and the service date of a judicial review petition is the date of actual receipt by the Court and

placement in the mail to the Commission.

CHIPPEWA COUNTY

MEMORANDUM ACCOMPANYING
FINDINGS OF FACT, CONCLUSION OF LAW
AND ORDER CLARIFYING BARGAINING UNIT

POSITIONS OF THE PARTIES

In support of its petition, the Union asserts and avers as follows:

Neither of the Deputy Auditors – the Deputy Auditor/Payroll Coordinator and the Deputy Auditor/Account Clerk -- are professional, managerial or confidential employees. That they are not professional employees is established by the fact that their job responsibilities revolve around ministerial and administrative functions, and not the professional accounting functions which are varied in nature and requiring a high degree of discretion or independent judgment. Further, they lack the educational component, in that the positions require only an Associate degree or equivalent training and experience.

That they are not managerial employees is established by the fact that neither position has participated substantively in the establishment of the County budget. Further, the involvement by the Deputy Auditor/Account Clerk (Brown) in adjusting budget line items on the request of department heads has been a mere routine clerical function that does not reflect any policy-making authority. The power to make or approve ministerial expenditures is not a factor supporting a finding of managerial status.

Nor are they confidential employees, in that their access to information and records concerning personnel matters are not confidential in the labor relations sense.

The Systems Programmers in the Department of Information Systems are neither professional nor confidential employees. The educational requirement of an Associate degree or its equivalent weighs strongly against a finding of professional status, especially compared to other recent Commission decisions. Nor do the positions demand a professional level of attention to complex and varied tasks, in that their highest priority is assisting and troubleshooting for users on a daily basis. Rather than engage in

technical projects requiring a high level of independent judgment or discretion, the incumbents provide tailored software applications, or commercially available hardware, to address needs which departments articulate.

While all three employees testified to their access to computerized records, none of them had any knowledge of labor relations policy or strategy, and none testified to having any information not available to represented employees or the Union. Thus, the positions are not confidential.

The Administrative Assistant in the Department of Aging is neither a managerial nor a supervisory employee. That the position is not managerial is shown by the incumbent's own testimony, which established that she had neither involvement in setting policy for the Department, nor input into the programs provided or the manner in which they are to be implemented. Her decision to shut meal sites due to severe weather did not require the exercise of independent judgment, but merely followed the lead of other agencies. Her budgetary involvement consists of adapting an existing budget to anticipated changes in cost, and does not reflect any responsibility for setting policy or programs. Without the authority to affect the nature of the departments' activities and operations, this position is not managerial.

That the position is not supervisory is shown by its lack of authority to discipline either employees or meal site limited term employees; lack of involvement in the hiring process; and lack of authority to direct the workforce except for performing the administrative function of ensuring that there are sufficient employees to staff the meal sites.

The Administrative Assistant in the Child Support Agency is not a managerial or supervisory employee. Working under the supervision of the Administrator, the Administrative Assistant assists in the assigning of cases according to a predetermined system, performs follow-up on case files, provides input regarding the budget, takes notes of court proceedings, submits bills for payment, can remove a case from a Specialist who informs her of a conflict, and may even perform the Specialist's duties herself. It is the Administrator who approves overtime and leaves of absence, makes hiring decisions, and handles employee grievances. Thus, the position is neither

supervisory not managerial.

The Environmental Sanitarian is neither a professional, nor a managerial nor a supervisory employe. Working under the supervision of the Zoning Administrator, the Environmental Sanitarian inspects sewage and well water systems to ensure compliance with applicable codes. That the position is not managerial is shown by the fact that it is the Administrator who formulates the Department's budget requests, and the Zoning Committee which has final authority over departmental spending; the Sanitarian has no authority to divert funds from purposes for which they were allocated without approval of the Zoning Committee. That the position is not supervisory is shown by the fact that it is also the Administrator who handles hiring decisions and employe evaluations; the Sanitarian has never recommended discipline of any employe, not participated in screening applicants, but only provided informal input in the hiring of one clerical. That the position is not professional is shown by the fact that the duties involve performing inspections applying requirements published primarily by state agencies, and the Sanitarian has no involvement in establishing policies or procedures. Further, inspection certification or licensure is not determinative of professional status.

Accordingly, the unit should be clarified and all the positions set forth in the petition should be included therein.

In opposition to the petition, the County asserts and avers as follows:

The Administrative Assistant in the Aging Department is an exempt managerial/supervisory position. The incumbent supervises a staff of 15 limited-term employes, assigning and directing their work under the Department Director's supervision and on her behalf in her absence; approves leaves; has exercised discretion and made decision on behalf of the agency on her own authority, including unilaterally determining to shut a meal site due to bad weather; supervises and evaluates paperwork; receives and resolves complaints in the Director's absence; exercises discretion and independent judgment in preparing the Department's annual budget for Commission approval; maintains seven major accounts and allocates funds between 140 line items, and has the authority to transfer funds between line items; is often the only person making eligibility determinations, and is the Department's contact with the

public.

The incumbent exercises supervisory authority over the Department's limited term employees. She also has such budgetary responsibilities, and the authority to make determinations as to eligibility for County services which clearly reflects that her relationship to management is one which imbues her with an interest significantly at variance with those of other employees, so as to be held exempt as both a supervisory and managerial employe.

The Administrative Assistant/Child Support is an exempt supervisory position, as established by the fact that the incumbent is responsible for supervising nine bargaining unit employees; has participated in hiring interviews since 1984, with the Director concurring in all but two of her recommendations since then; evaluates, assigns, trains, disciplines and directs department employees; has discretion to approve leaves; has authority to determine whether a new employe has passed the probationary period, and performs the duties of the Administrator in his absence.

That the Administrative Assistant/Child Support is a managerial position is established by the fact that the incumbent has input into the departmental budget, as shown by her authority to determine the kinds and level of services to be provided, the kind and number of employees to be utilized in providing the services, and the systems by which the services will be provided; by her recommendation on the replacement of equipment and the requesting of funds for the payment of legal fees. The incumbent has also requested and received approval from the Director to transfer funds between line items in the budget; has input into determining staffing needs; has formulated policy with respect to workload and uniformity in processing cases; approves bills and vouchers; serves as the County's agent in child support and paternity actions; supervises the Kids Information Data System; and has purchased new equipment with available funds.

Having the authority to supervise employees as opposed to supervising activity, and with the authority to commit the employer's resources, the position is properly excluded from the bargaining unit as supervisory and/or managerial.

The Environmental Sanitarian position is an exempt supervisory

position, as shown by the fact that the incumbent shares with the Zoning Administrator authority to supervise the office staff to two clericals and summer interns on a daily basis; has input into their hiring; assigns and directs their work; and has authority to approve leaves.

That the position is managerial is shown by the fact that the incumbent spends a majority of his time formulating, implementing or determining Zoning Department policy, and exercising discretion and independent judgment in carrying out his job responsibilities. He sets his own schedule and applies discretion and judgment in determining whether sanitary systems comply with applicable codes, and has the responsibility of representing the county's interests in court proceedings to enforce citations. He independently administers the Wisconsin Fund Program, and has authority to disburse \$100,000 - \$200,000 in grant funds annually, with supervision by the Administrator. He has input into the department's budget, and delineates as separate line items his specialized equipment. The Administrator has the final authority to transfer funds between line items, while the Environmental Sanitarian serves as acting Administrator in the Administrator's absence.

Performing work which is predominantly intellectual and varied, and which involves the constant exercise of discretion and independent judgment, and being required to have knowledge of an advanced type in a field of science customarily acquired by a prolonged course of specialized intellectual instruction, and being required to retain state licensure to perform his duties, the Environmental Sanitarian is also exempt as a professional employe.

The combination of professional, supervisory and managerial duties being sufficient to align the position with management rather than with the bargaining unit, the Environmental Sanitarian should continue to be excluded from the unit.

The Deputy Auditor/Payroll Coordinator is an exempt professional/managerial/confidential position, as shown by the duties which include preparing payroll for County employes; exercising discretion and independent judgment in determining how to implement garnishment orders; generating all financial reports for the County; developing and implementing a direct deposit system; calculating wage costs and health insurance projections based on

increases as sought by unions; and assuming the duties of the Auditor in his absence. The incumbent will in the future work with County Board committees to develop parameters for collective bargaining strategy, including developing schedules for costing various proposals. Such work is predominantly intellectual and varied, involving the consistent exercise of discretion and independent judgment, and requires the incumbent to use knowledge acquired in college to execute her responsibilities.

The incumbent also participates in a substantial degree in formulating, determining and implementing management policy with respect to the county's payroll system, creating a unique interest which could conceivably conflict with the interests of other employees. She also has access to confidential labor relations material and information, including personnel records and the employer's strategy in bargaining. Accordingly, the position should be continued outside the bargaining unit.

The Deputy Auditor/Account Clerk is also exempt on the grounds of professional, managerial and confidential duties. The incumbent is exposed to confidential management information, including health insurance projections and projected wage increases, and plays a role in setting bargaining parameters and costing proposals. She exercises discretion and independent judgment in writing and updating the manuals for the County's accounting system. She assists in preparing the budget and has the authority to commit the county's resources by transferring funds between line items; supervises the financial aspects of the County's grant programs; writes policy for the department; and supervises internal and external audits. Her close working relationship with management clearly creates an interest which conflicts with that of bargaining unit members. Finally, the incumbent has access to confidential labor relations material, including bargaining strategy and costing proposals, all of which align her with management rather than with the bargaining unit.

The Programmer/Analyst is an exempt professional/confidential position, using his advanced schooling to analyze computer software operating problems and implement solutions. He has the highest level of computer access, including access to confidential management information and personal salary and benefit reports, and provides assistance in costing bargaining proposals. The

incumbent's work is varied and cannot be standardized, and provides him access to confidential materials. Accordingly, the position is more aligned with management than with the bargaining unit.

The Systems Programmer I incumbents are also exempt as professional and confidential, for many of the same reasons as the Programmer/Analyst. The incumbents exercise discretion and independent judgment in performing their tasks; utilize logic and reason gained through schooling and years of experience; and have duties substantially similar to those of the Programmer Analyst. One of the incumbents has access to confidential management information; generates costing reports; and has regular access to worker's compensation reports and other personnel data. The other also has such access due to her overall security clearance and role as network administrator.

The Engineering Technician position is exempt on the grounds of professional/managerial/supervisory status. A bachelor's degree is required, along with three to five years of relevant job experience and state licensure. The incumbent spends the majority of his time formulating, implementing or determining policy for the Land Conservation Department, and exercising discretion and independent judgment in carrying out his job responsibilities. He does not have a daily set of tasks, but rather performs work which is predominantly intellectual and varied in nature and which cannot be standardized. He has authority to approve design plans; evaluate and determine the need for change orders; plays a significant role in reviewing erosion control plans. He plays an active role in the budgetary process; he and his management team have the authority to make changes within the various line items of the budget once it is set, and he has input into setting staffing needs. He supervises the work of the department secretary and the limited term employes, has participated in the hiring of four LTE's, has authority to approve their leave requests.

The County is severely understaffed, and department heads rely on small staffs which have been cross-trained. All the subject positions are properly excluded because their relationship to management creates unique interests which could conceivably conflict with the interests of unit employes.

Further, for the professional positions, their placement in this unit being statutorily barred in the absence of a unit-wide vote, and their

placement with the social workers and nurses being inappropriate, the Union's appropriate recourse is the creation of a separate unit of courthouse professionals.

The Union waived its right to file a reply brief. The County filed a reply brief, in which it posited further as follows:

The Union errs in contending that the Deputy Auditors perform merely ministerial and administrative functions, lack professional accounting responsibilities that are varied in nature or which require a high degree of discretion, do not require the knowledge and expertise customarily acquired through a specialized college degree, involve routine clerical functions, and have only a minimal exposure to confidential management information. The record evidence of the job description and the actual job duties do not support these contentions, but rather support the conclusion that the incumbents have varied duties, regularly exercise independent judgment and discretion, have non-standardized output of work, and the other skills and knowledge necessary to be deemed professional. The record also reveals that the incumbents have significant responsibilities formulating, determining and implementing management policy in such areas as the payroll system, monitoring grant funds, updating accounting manuals, and in the budgetary process so as to be deemed managerial. Finally, the record shows the incumbents to have sufficient access to confidential labor relations material so as to be deemed confidential.

The Union errs in contending that the Systems Programmer/Analyst positions lack the professional level or training or attention to complex and varied tasks and have only a minimal access to confidential personnel information. The tasks of designing, implementing and troubleshooting compute applications is far from the generalized duties the union describes, and could not be accomplished with only a general educational background. The incumbents consistently exercise independent judgment and discretion in analyzing, identifying and implementing solutions to complex software and hardware operating problems. The record also refutes the Union's contention that the incumbents actual duties do not entail sufficient access to confidential labor relations information, in that the incumbents have participated directly in costing bargaining proposals, have daily access to payroll and worker's compensation data, and, as part of their role as network

administrators, have daily access to confidential labor relations material in performing their troubleshooting responsibilities.

The Administrative Assistant/Aging Department is properly excluded on the grounds of supervisory and managerial status. The Union errs in mistakenly implying that the Administrative Assistant/Child Support lacks authority independent of the Director, when in fact the incumbent has always had input into personnel issues and a majority of the decisions made are taken jointly by the incumbent and the Director; the incumbent independently supervises staff; has input into departmental policy regarding staffing and workloads; and has sufficient supervisory and managerial duties so as to have interests more closely aligned with management than with the unit.

The Union errs in mistakenly describing the Environmental Sanitarian's administration of the grant program as routine and clerical; in stating the incumbent plays no role in setting policies or procedures, and supervises no employees. The incumbent consistently exercises discretion and judgment on whether systems comply with applicable codes and performs supervisory duties jointly with the Zoning Administrator, so as to be properly excluded from the unit as a supervisory/managerial/professional employee.

The Union failed to raise any argument in support of including the Engineering Technician in its brief, apparently conceding that the position is properly excluded from the unit.

DISCUSSION

The County has raised confidential, managerial, professional and/or supervisory status as the basis for exclusion of the nine disputed positions/employees. We will first set out the statutory and case law standards by which we evaluate such claims, and then apply that framework to the particular facts of the various positions.

Confidential

It is well-established that, for an employee to be held confidential, such employee must have access to, knowledge of, or participation in confidential matters relating to labor relations; for information to be confidential, it must (a), deal with the employer's strategy or position in collective bargaining, contract administration, litigation or other similar matters pertaining to labor relations and grievance handling between the bargaining representative and the employer; and (b), be

information which is not available to the bargaining representative or its agents. 2/ While a de minimis exposure to confidential materials is generally insufficient grounds for exclusion of an employe from a bargaining unit, 3/ we have also sought to protect an employer's right to conduct its labor relations through employes whose interests are aligned with those of management. 4/ Thus, notwithstanding the actual amount of confidential work conducted, but assuming good faith on the part of the employer, an employe may be found to be confidential where the person in question is the only one available to perform legitimate confidential work, 5/ and, similarly, where a management employe has significant labor relations responsibility, the clerical employe assigned as her or his secretary may be found to be confidential, even if the actual amount of confidential work is not significant, unless the confidential work can be assigned to another employe without undue disruption of the employer's organization. 6/ However, an employer clearly cannot be allowed to exclude an inordinately large number of employes by spreading the work of a confidential nature among such employes or giving them occasional tasks of a confidential nature. Marshfield Joint School District No. 1, Dec. No. 14575-A (WERC, 7/76). To do so would be to allow the employer to deprive said employes of their status as "employes" under the law. Menomonee Falls Jt. School District No. 1, Dec. No. 11669 (WERC, 3/73).

Information available to either the union or the employe is not considered to be confidential. DePere School District, Dec. No. 25712-A (WERC, 10/90). For example, access to personnel files is not typically sufficient to confer confidential status because the information contained therein is typically accessible to employes or their union, Appleton Area School District, Dec. No. 22338-B (WERC, 7/87), and because the employer can limit access if it chooses. Oregon School District, Dec. No. 28110-C (WERC, 4/96). Likewise, access to the information and records concerning employes' pay levels, health and life insurance benefits, unemployment compensation, leave, retirement, etc. does not exclude an employe as confidential unless such employe is privy to decisions of the employer with respect to personnel and labor relations policies. Outagamie County, Dec. No. 14062 (WERC, 10/75). In addition, providing information for use by the employer in collective bargaining or in responding to grievances, absent knowledge of the employer's grievance or bargaining strategy, generally does not render a position confidential within the meaning of the law. City of Cudahy, Dec. No. 21887 (WERC, 8/84).

Finally, possible future confidential duties combined with current exposure to confidential

2/ Dane County, Dec. No. 22796-C (WERC, 9/88).

3/ Boulder Junction Joint School District, Dec. No. 24982 (WERC, 11/87).

4/ CESA Agency No. 9, Dec. No. 23863-A (WERC, 12/86).

5/ Town of Grand Chute, Dec. No. 22934 (WERC, 9/85).

6/ Howard-Suamico School District, Dec. No. 22731-A (WERC, 9/88).

matters may warrant a position's exclusion as confidential, Manitowoc County, Dec. No. 8152-J (WERC, 11/90), or such future duties and responsibilities may be too speculative or de minimis to warrant exclusion from the bargaining unit as confidential. Waukesha Joint School District No. 1, Dec. No. 10823-A (WERC, 3/81).

Supervisor

Section 111.70(1)(o), Stats. defines a "supervisor" in pertinent part as:

. . .any individual who has authority, in the interest of the municipal employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employes, or to adjust their grievances or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

When evaluating a claim of supervisory status under Sec. 111.70(1)(o), Stats., we consider the following factors:

1. The authority to effectively recommend the hiring, promotion, transfer, discipline or discharge of employes;
2. The authority to direct and assign the work force;
3. The number of employes supervised, and the number of persons exercising greater, similar or lesser authority over the same employes;
4. The level of pay, including an evaluation of whether the supervisor is paid for his/her skills or for his/her supervision of employes;
5. Whether the supervisor is supervising an activity or is primarily supervising employes;
6. Whether the supervisor is a working supervisor or whether he spends a substantial majority of his time supervising employes; and
7. The amount of independent judgement exercised in the supervision of employes. 7/

7/ City of Milwaukee, Dec. No. 6960-J (WERC, 5/89).

Managerial

The Legislature has excluded "managerial employes" from the definition of "municipal employes" found in Sec. 111.70(1)(i), Stats., but has left the Commission to develop the parameters of the exclusion.

There are two analytical paths to assess claimed managerial status. One considers the degree to which individuals participate in the formulation, determination and implementation of management policy; the other considers the extent to which the individuals possess the authority to commit the employer's resources. 8/

For an individual to assume managerial status based on participation in program and policy, such involvement must be "at a relatively high level of responsibility." 9/ Managerial status based on allocation of the employer's resources necessarily entails significantly affecting the nature and direction of the employer's operations, such as the kind and level of services to be provided, or the kind and number of employes to be used in providing services. 10/

Professional

Section 111.70(1)(L), Stats., defines the term "professional employe" as follows:

1. Any employe engaged in work:
 - a. Predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical or physical work;
 - b. Involving the consistent exercise of discretion and judgment in its performance;
 - c. Of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time;

8/ Milwaukee v. WERC, 71 Wis.2d 709 (1976); Eau Claire County v. WERC, 122 Wis. 2d 363 (Ct.App. 1984).

9/ Village of Jackson, Dec. No. 25098 (WERC, 1/88); Portage County, Dec. No. 6478-C (WERC, 10/87); Door County (Courthouse), Dec. No. 24016-B (WERC, 8/88).

10/ Village of Jackson, supra; Forest County, Dec. No. 17528-B (WERC, 6/85); Jackson County, Dec. No. 17828-B (WERC, 10/86); City of Whitewater, Dec. No. 24354 (WERC, 3/87).

- d. Requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher education or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual or physical process; or

2. Any employe who:

- a. Has completed the courses of specialized intellectual instruction and study described in subd. 1.d;
- b. Is performing related work under the supervision of a professional person to qualify himself to become a professional employe as defined in subd. 1.

All the criteria found either in subsection 1 or subsection 2 must be present in order to find that a particular employe is professional. 11/ The above definition of "professional" employe is not limited to employes' personally possessing college degrees. Dane County, supra; Milwaukee County, Dec. Nos. 8765-E, 14786 (WERC, 7/76).

In deciding whether a position is professional within the meaning of Sec. 111.70(1)(L), Stats., we not only look to written job descriptions, if they exist, but also any other evidence of the actual duties and responsibilities and knowledge and skills required for the position.

As to the requirements of Sec. 111.70(1)(L)1.d. Stats., we noted in Brown County, Dec. No. 7954-F (WERC, 3/91),

. . . the statute does not require that the incumbent of a position hold a college degree for the position to be found professional. This is true because the statute defines a professional position as one that cannot be performed without knowledge of certain kind, i.e., that which is usually acquired through "a prolonged course of specialized

11/ Dane County, Dec. No. 10492-D (4/85); Milwaukee County, Dec. No. 14786-B (WERC, 4/80). See generally, City of Wauwatosa, Dec. Nos. 12032-C, 17241-17244 (WERC, 8/79); City of Cudahy, Dec. No. 19507 (WERC, 3/82); Blackhawk VTAE, Dec. No. 13460-A (WERC, 9/75) and Dane County, Dec. No. 21397 (WERC, 2/84), aff'd, Dane County v. WERC, Dec. No. 84 CV 1409 (CirCt Dane, 1/85).

intellectual instruction and study in an institution of higher education or a hospital." In other words, the course of study is a definition of the required knowledge which is the criterion, but is not the criterion itself." It necessarily follows that some professional positions require this kind of knowledge even though the incumbent acquired it through means other than a formal program of instruction or a college degree.

Thus, in Outagamie County, Dec. No. 21143-A (WERC, 10/86) and Sun Prairie, Dec. No. 20841-B (WERC, 10/86), cited by the County, the Commission found that although the incumbents did not possess a degree, the required knowledge was of the type customarily acquired through social work and engineering degrees, respectively and therefore satisfied the Sec. 111.70(1)(L)1.d. test.

By the same token, it follows that an employer might insist an applicant for a position hold certain specialized educational credentials, but if the performance of the job duties does not require that body of knowledge, the position would not be found to be professional. In other words, an employer cannot cause a position to be professional within the meaning of the Statute by establishing educational standards which do not provide the knowledge necessary to fulfill the tasks associated with the position.

We turn now to consideration of the subject positions.

Deputy Auditor/Accountant

The County contends that Brown, the Deputy Auditor/Accountant, should continue to be outside the bargaining unit because she is a professional employe, a managerial employe and a confidential employe.

As staff to the County's Finance Committee, which recommends to the Personnel Committee the general outlines of the County's monetary position for collective bargaining, Brown is necessarily aware of the amount of money the County is considering setting aside for the purposes of collective bargaining. This knowledge and Brown's occasional costing of bargaining proposals makes Brown sufficiently privy to the employer's strategy and tactics in bargaining to be deemed a confidential employe.

Deputy Auditor/Payroll Coordinator

Geissler's duties and responsibilities are set forth in Finding 11. The County asserts those

duties and responsibilities warrant her continued exclusion from the unit as a professional, managerial or supervisory employee. We do not find the County's position to be persuasive as to any of the three alleged bases for exclusion and thus have ordered her inclusion in the bargaining unit.

As to Geissler's alleged status as a professional employee, she personally possesses a four-year degree in accounting and is seeking to become a Certified Public Accountant. However, under Sec. 111.70(1)(L)1.d., Stats., the issue is whether Geissler's work requires knowledge customarily acquired through a four-year accounting degree. We conclude it does not. From our review of the record, we are satisfied Geissler's job description accurately reflects that either a two-year Associate's degree or on-the-job experience customarily provides the knowledge needed to perform Geissler's employe compensation, benefits, accounting/auditing, recordkeeping and budgeting responsibilities. Thus, although Geissler meets the requirements of Sec. 111.70(1)(L)1. a-c, Stats., she is not a professional employe.

Turning to Geissler's alleged managerial status, the County relies on her payroll responsibilities as a "formulation, determination and implementation" of policy and her budgetary responsibilities as reflecting her ability to commit resources. In our view, these responsibilities are not significant enough to establish managerial status. Her payroll responsibilities reflect implementation of existing policy and procedure and thus are not at the "relatively high level of responsibility" required for a managerial exclusion. Similarly, her budgetary responsibilities (present and future) do not "significantly affect the nature and direction of the employer's operations" and thus are not managerial in nature.

Lastly, as to Geissler's alleged confidential status, the record reflects that as part of her budgetary responsibilities, she is asked to provide the payroll costs of various wage and fringe increases. The record also establishes that in future years, Geissler may be asked to "cost" contract proposals.

Given Brown's exclusion as a confidential employe because of her budgetary and occasional costing responsibilities and given that the County Personnel Department generally does its own costing of bargaining proposals, we do not believe there is a persuasive basis for also excluding Geissler. Based on the record before us, the very limited amount of confidential work in question can be performed by Brown without undue disruption of the County's operation.

Engineering Technician/Land Conservation

The County contends that this position should continue to be excluded from the unit on the grounds of managerial, professional and/or supervisory status. The Union presented no written argument in opposition to the County's contentions. Based on the position's duties and the knowledge needed to perform same, we find the position to be professional, and have ordered its continued exclusion from the unit. We make no analysis of the claimed status as a managerial and/or supervisory position.

Environmental Sanitarian/Zoning

The County contends that this position should continue to be excluded from the unit on the grounds of managerial, professional and/or supervisory status.

We agree that the position is professional, and have ordered its continued exclusion on that basis. The job requirement of a Bachelor's degree in biology or related fields, Koehler's possession of such a degree, and Koehler's work responsibilities and the knowledge needed to perform same, persuade us that he is a professional employe under Sec. 111.70(1)(L), Stats.

Given our conclusion, we need not decide whether Koehler is also a supervisor or a managerial employe.

Administrative Assistant/Child Support

The County contends that the Administrative Assistant in the Child Support Office should continue to be outside the bargaining unit on the grounds of managerial and/or supervisory status.

McIlquham has participated in the 20 or more hiring interviews since 1984, and the Administrator has agreed with her recommendations on all but two occasions. She conducts performance evaluation reviews of the employes in the Child Support Office, and effectively recommends whether employes should pass probation. She has the authority to assign and direct work and, in the Administrator's absence, to approve or deny leaves and overtime. She fills in for the Administrator in his absence, which has included lengthy leaves of several months.

We conclude the incumbent's supervisory responsibilities are sufficient to warrant her continued exclusion from the unit. We reach this conclusion because of McIlquham's significant role in the hiring process, her effective recommendations regarding passage of probation, her significant participation in the evaluation process and the Administrator's location away from the five unit employes with whom McIlquham works most closely.

Administrative Assistant/Aging

The County contends Kasten is a supervisor and/or a managerial employe.

Kasten is a skilled and valued employe who performs many functions within a small department of only three full-time employes. However, we think it clear that she does not possess any significant supervisory authority over County employes. Although she coordinates the work of the 15 limited term employes who provide meals at various sites around the County, she has no role in hiring these employes and no disciplinary authority over them. Although she assesses the accuracy of the paperwork/records kept by the limited term employes and reports her findings to the

department Director, it is the Director who evaluates employes. When the Director is on vacation or is otherwise absent, Kasten has the authority to grant or deny leave requests and resolve client/employe complaints, but this authority falls far short of establishing Kasten to be a supervisor.

Kasten's managerial status presents a closer question. In the Director's absence, she has exercised the managerial authority of determining that meal sites should be closed due to inclement weather. She plays a significant role in the preparation of the departmental budget for consideration by the Director and ultimately by the County Board. However, particularly in the context of a three-person department, we are persuaded that it is the Director who possesses the significant managerial authority as to budget and policy. Thus, Kasten is not a managerial employe.

In making this determination, we have considered and rejected the assertion that Kasten's authority to make eligibility determinations for those seeking Aging Department services constitutes the exercise of significant managerial authority. Her role in this regard is important, but limited to administering specific policy which leaves little if any room for the exercise of discretion. We have also considered the County's assertion that Kasten has managerially significant authority to reallocate funds. While the record establishes that Kasten makes recommendations, it is the Director who possesses the approval authority and thus Kasten's role is not sufficient to warrant managerial status.

Information Systems

The County contends that the three subject positions held by Greenhalgh, Merrell and Strasburg are properly excluded from the unit on the grounds of professional and/or confidential status.

Primarily as to the claim of professional status, the existing record does not provide sufficient information for us to reach a decision. Thus, absent voluntary resolution of these claims by the parties, additional hearing will be necessary.

Dated at Madison, Wisconsin this 22nd day of August, 1997.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By James R. Meier /s/
James R. Meier, Chairperson

A. Henry Hempe /s/
A. Henry Hempe, Commissioner

Paul A. Hahn /s/
Paul A. Hahn, Commissioner