

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Case X  
No. 14838 ME-688  
Decision No. 10510

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

Mr. Daniel T. Kelley, City Attorney, and, Mr. James Main, Personnel Director, appearing on behalf of the Municipal Employer.

Beloit City Employees, Local 643, AFSCME, AFL-CIO, having filed a petition with the Wisconsin Employment Relations Commission to conduct an election pursuant to Section 111.70 of the Wisconsin Statutes among certain employees of the City of Beloit; and a hearing on said petition having been conducted at the Beloit Municipal Center, Beloit, Wisconsin, on August 31, 1971, before George R. Fleischli, Hearing Officer, and the Commission having considered the petition, evidence and arguments of counsel and being satisfied that a question has arisen concerning representation for certain employees of said Employer;

That an election by secret ballot be conducted under the direction of the Wisconsin Employment Relations Commission within thirty (30) days from the date of this direction among all regular full time and regular part time employees of the Employer employed at the Beloit Municipal Center, Engineering Department, Library, Health Department, Fire Department, Police Department, and Department of Public Works, but excluding law enforcement personnel, firefighters, supervisory, confidential, craft, professional, and all employees of the Department of Public Works now represented by Local 643, AFSCME, AFL-CIO, who were employed on September 13, 1971, except such employees as may prior to the election quit their employment or be discharged for cause, for the purpose of determining whether a majority of such employees desire to be represented for the purposes of collective bargaining by Beloit City Employees, Local 643, AFSCME, AFL-CIO.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

~~Morris Slavney, Chairman~~

Vel S. Rice II, Commissioner

No. 10510

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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In the Matter of the Petition of :  
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BELOIT CITY EMPLOYEES, LOCAL 643, : Case X  
AFSCME, AFL-CIO : No. 14838 ME-688  
: Decision No. 10510  
Involving Certain Employees of :  
:   
CITY OF BELOIT (MUNICIPAL CENTER) :  
:  
- - - - -

MEMORANDUM ACCOMPANYING  
DIRECTION OF ELECTION

The Municipal Employer and the Petitioner agreed at the hearing that the bargaining unit description contained in the petition accurately described an appropriate collective bargaining unit of City employees. For purposes of clarity, it was agreed that the list of exclusions should be amended to include "professional employees" even though such employees would be excluded by the exclusion of "craft" employees.

The Municipal Employer provided a list of eligible employees which excluded the name of Doris L. Betz, Assistant City Treasurer. The Municipal Employer objected to the inclusion of Betz in the unit, alleging that she is a professional, supervisory and confidential employee. If Betz is a supervisory or confidential employee she is excluded from coverage under Section 111.70 1/ and her alleged professional status would become immaterial.

The Municipal Employer introduced evidence which clearly establishes that Betz is a supervisory employee. Betz works for Richard Calland, who is the City Treasurer, City Clerk, and Financial Director. Her office is physically separated from Calland's office and she works without his immediate supervision. Three teller-cashiers work in the City Treasurer's office under the direct supervision of Betz. Betz has the authority to effectively recommend the hiring and firing of the teller-cashiers, and has in fact made the effective decision to hire the last two teller-cashiers presently employed. On one occasion she was told by Calland that she had the authority to fire one of the teller-cashiers if, in Betz's opinion, the employee's absenteeism was due to unacceptable reasons. Betz discussed the absentee problem with the employee and was satisfied that no discipline needed to be taken. Betz is currently receiving a salary which is at the bottom of the salary range for her position. Such salary however is 31% more than the average salary of the three employees she supervises.

While it is true that Betz does perform the day-to-day work of the City Treasurer's office, alongside the three teller-cashiers, she spends a substantial portion of her time performing all of the duties of a supervisor. Her supervision of the three employees is exclusive and substantial.

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1/ City of Wausau (6276) 3/63.

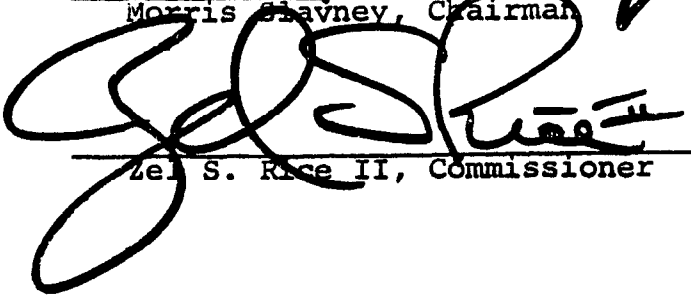
For the above and foregoing reasons the Commission is satisfied that Betz is a supervisor and should be excluded from the list of eligible employees.

Dated at Madison, Wisconsin, this 13th day of September, 1971.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slavney, Chairman

  
Zel S. Rice II, Commissioner