

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of :

LOCAL #2, AFFILIATED WITH MILWAUKEE :
DISTRICT COUNCIL 48, AFSCME, AFL-CIO :

Case XIII
No. 15041 ME-718
Decision No. 10788

Involving Certain Employees of :

GREENFIELD SCHOOL DISTRICT NO. 6 :

Appearances:

Mr. Earl Gregory, Representative, and Mr. Richard Massman,
Representative, for the Petitioner.

Mr. Clarence Allender, Superintendent; Mr. Virgil Jenkins,
Business Manager; and Mr. Clyde G. Wallenfang, Director
of Facilities, for the Municipal Employer.

DIRECTION OF ELECTION

Local #2, Affiliated with Milwaukee District Council 48, AFSCME, AFL-CIO having petitioned the Wisconsin Employment Relations Commission to conduct an election, pursuant to Section 111.70 of the Wisconsin Statutes, among certain employees of Greenfield School District No. 1; and hearing on such petition having been conducted on November 12, 1971, at Milwaukee, Wisconsin, by Zel S. Rice II, Commissioner; and the Commission having considered the evidence and being satisfied that a question has arisen concerning representation for certain employees of the above Municipal Employer;

NOW, THEREFORE, it is

DIRECTED

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 Directive in the collective bargaining unit consisting of all maintenance, matrons and custodial employees employed by Greenfield School District No. 6, Greenfield, Wisconsin, excluding supervisory and craft employees, who were employed by said Municipal Employer on November 12, 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 by Local #2, Affiliated with Milwaukee District Council 48, AFSCME, AFL-CIO, for the purposes of conferences and negotiations with the Municipal Employer on questions of wages, hours and conditions of employment.

Given under our hands and seal at the
City of Madison, Wisconsin, this 14th
day of February, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Thomas Slattery
Thomas Slattery, Chairman

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

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MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

In its petition initiating the instant proceeding the Union requested a representation election in a unit consisting of all maintenance, matrons and custodial employees in the employ of the School District, excluding supervisory and craft employees. During the course of the hearing, while there was no issue with respect to the description of the appropriate collective bargaining unit, issues arose as to whether the classifications of Custodian II, III, IV and V, as well as the classification of Head Maintenance Man were supervisory positions.

The School District operates one senior high school, one middle school, and seven elementary schools.^{1/} It employs a Director of Facilities, who has the overall responsibility for 19 custodial employees, 22 matrons and the 5 maintenance men in the employ of the School District. There are 10 Custodian I positions, 3 Custodian II positions, 4 Custodian III positions, as well as one Custodian IV and one Custodian V. One of the Maintenance Men positions is identified as "Head Maintenance Man."

The job description and classification of the Custodian II, who earns \$4.06 per hour, indicates said position to be the "Head of small school plant, requiring not more than one matron or part-time custodian in addition to the Custodian II." The duties and qualifications of the Custodian II classification are set forth as follows in the classification description:

"Duties: Under direction, to perform general cleaning, house-keeping, and maintenance work, and to perform other duties as required and directed. To be responsible for the assigning and performance of other custodians, matrons, or part-time custodians working under your supervision. To be responsible for the general appearance and condition of the building. To keep records, make reports, and requisition materials as required, and to perform duties and assignments as directed.

Qualifications: 1. Considerable knowledge of materials, methods, and equipment used in custodial and general maintenance work.

2. Considerable knowledge of the hazards of the job and meaning of safety precautions.

^{1/} 1970 WEA School Directory.

3. Ability to keep records, make reports, and issue oral and written instructions.
4. Considerable knowledge of the operation of heating, ventilating, and other mechanical systems.
5. Have an interest in and an understanding of children.
6. High school graduate or equivalent, and experience as a Custodial I.
7. Be able to perform heavy physical work."

The evidence discloses that the amount of supervision performed by the Custodian II is minimal and that the matron or part-time custodian assigned to the particular school involved do not perform their duties in the presence of the Custodian II.

The Custodian III position, which pays \$4.27 per hour, is described as the "Head of elementary school plant requiring a staff of at least one Custodian I and one or more matrons or part-time custodians." The job description of the Custodian III position sets forth the same duties as that of the Custodian II except that the first sentence in the paragraph entitled "Duties" is changed to read as follows:

"Under direction, to perform and supervise general cleaning, housekeeping and maintenance work and to perform other duties as required and directed.^{2/}

The seven qualifications set forth in the job description of the Custodian II position are included in the Custodian III job description except that paragraph 6, in the case of the Custodian III, is changed to "high school graduate or equivalent and experience as a Custodian I and Custodian II." Furthermore, the additional qualifications are added to the Custodian III job description:

- "8. Ability to cooperate with others and maintain good public relations.
9. To be especially competent in developing work schedules, assigning work schedules, and in supervising other custodial or cleaning personnel."

The Custodian IV position, which pays \$4.43 per hour, is described as "Head Custodian of Middle School or High School plant of at least 100,000 sq. ft." The job description of the Custodian IV position sets forth the identical duties as are assigned to the Custodian III position with the exception, that the duties are prefaced by the term "under administrative direction", rather than "under direction" as is indicated in the duties of the Custodian III position. The qualifications of the Custodian IV position include all those qualifications set forth for the position of Custodian III, with the following additional paragraph:

- "10. Have successfully demonstrated ability to properly maintain a school plant."

The record indicates that in the school where a Custodian III is in charge, there is only a matron assigned to cleaning and housekeeping tasks and that the matron normally performs her duties at such times when the Custodian II is not on duty.

^{2/} Emphasis added.

In the schools where the Custodian III is in charge of cleaning, housekeeping and maintenance work, there is also assigned one full-time Custodian I and two matrons. The Custodian III is on duty for only a short period of time when the Custodian I is on duty. The Custodian III is not on duty when the two matrons are employed.

The one Custodian IV is in charge of the cleaning, housekeeping and maintenance work at the one Middle School. There are two full-time Custodian I's and three matrons assigned to said school. While the Custodian IV is on duty during part of the day in which the Custodian I's are employed, he is not on duty when the three matrons are performing their tasks.

All the Custodian II's, III's and the Custodian IV are under the direct supervision of the School Principal, as well as the overall supervision of the Director of Facilities. While the Custodian II's, III's and the Custodian IV perform certain "supervisory" functions on a very limited basis, they have no authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline any of the employees under their "charge." The evidence discloses that they perform housekeeping and maintenance duties, and we are satisfied that they are working foremen rather than supervisors, and as such are to be included in the unit and are eligible to vote in the election.^{3/}

There is no established job description for the Custodian V classification, which is occupied by one individual who performs his duties at the High School. Four full-time custodians and nine matrons are assigned to said school, and are employed on three shifts. The Custodian V spends a majority of his time checking the work performance of said custodians and matrons. Because of the number of people supervised, and the size of the facility involved, we conclude that the Custodian V is a supervisor and is therefore not included in the bargaining unit.

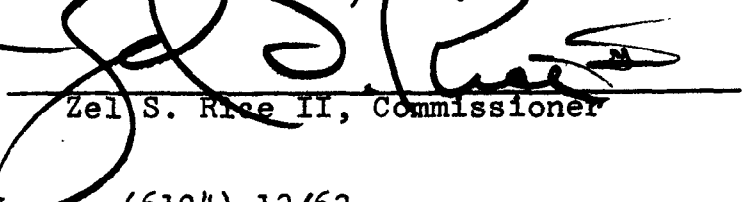
The Head Maintenance Man is in charge of the maintenance of the physical facility of the School District, and in that regard is "in charge" of the four maintenance men. The Head Maintenance Man assigns employees to perform various maintenance tasks and in that regard supervises the performance of their work and determines whether said employees have the ability to perform the work to be done. He assists the Business Manager in preparing estimates and requirements of maintenance for budgetary purposes. The Head Maintenance Man, because of his special skills in heating, electrical and plumbing, spends approximately 25% of his time performing work in those areas of skill. The remainder of his time is spent supervising the four maintenance men, scheduling their work and the completion thereof. The maintenance men perform their duties on the same shift with the Head Maintenance Man, who receives at least \$1000 a year in wages over and above the employees he supervises. While the higher level of pay is somewhat based on his special skills, it is also based on the fact that he is given the responsibility to supervise and be primarily responsible for the performance of maintenance tasks. Accordingly, we find that the Head Maintenance Man is a supervisor and is not included in the bargaining unit.

Dated at Madison, Wisconsin, this 14th day of February, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Stevney, Chairman


Zel S. Rice II, Commissioner

3/ Greenfield School District No. 6, (6194) 12/62.