

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

COUNTY OF ROCK

Case XXI
No. 15342 ME-757
Decision No. 10895
10352-A

Mr. Patrick J. Rude, Attorney at Law, appearing on behalf of
the Petitioner.

Rock County Deputy Sheriff's Association having filed a petition with the Wisconsin Employment Relations Commission, wherein it requested that the Commission conduct an election among employees of the Rock County Sheriff's Department, employed as matrons, cooks and clerical staff; and hearing having been held in the matter at Janesville, Wisconsin, on March 27, 1972, Howard S. Bellman, Hearing Officer, being present; and during the course of said hearing Rock County Employees, Local 1077A, AFSCME, AFL-CIO, having been permitted to intervene in the proceeding on the basis of its status as certified representative of the employees of the Municipal Employer in an appropriate collective bargaining unit consisting of (1) all regular full-time and regular part-time clerical employees in the Courthouse, the Airport, the Beloit County Building, the Guidance Center and Youth Home, the Department of Social Services, the Highway Department, the Sheriff's Department, (2) all regular full-time and regular part-time airport maintenance employees, and (3) all regular full-time and regular part-time Parks Department employees, but excluding all confidential, supervisory, craft and professional employees, and also excluding all other employees of Rock County; and the Commission, having fully reviewed the evidence and arguments of the parties and being fully advised in the premises, being satisfied that the unit claimed to be appropriate and the petition filed herein is an inappropriate unit within the meaning of the Municipal Employment Relations Act, and further being satisfied that the matrons should be properly included in the unit presently represented by the Intervenor;

ORDERED

That the petition filed in the instant matter be, and the same hereby is, dismissed, and further, that the matrons be included

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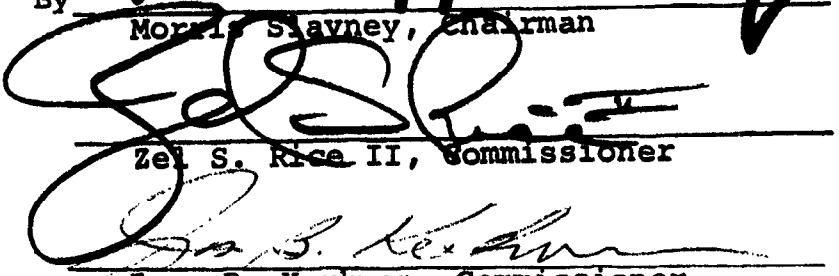
in the bargaining unit previously described herein, which unit is presently represented by Rock County Employees, Local 1077A, AFSCME, AFL-CIO. 1/

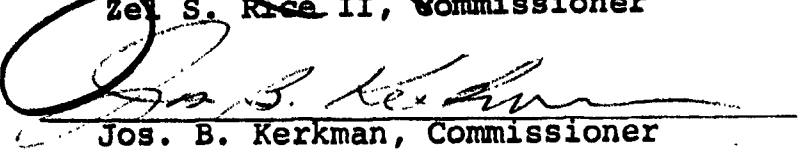
Given under our hands and seal at the City of Madison, Wisconsin, this 30th day of March, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Zel S. Rice II, Commissioner


Jos. B. Kerkman, Commissioner

1/ See memorandum attached

MEMORANDUM ACCOMPANYING
ORDER DISMISSING PETITION AND
CLARIFYING BARGAINING UNIT

The petition in the instant matter, which was filed on January 5, 1972, requests an election among certain employees in the Rock County Sheriff's Department, who hold positions as secretaries, matrons, Food Service Manager and Office Manager. The Petitioner presently represents the deputies in the Department, and with the addition of the aforesaid employees, would represent all employees in the Department, excluding supervisory and confidential employees.

The Intervenor, pursuant to its certification on August 23, 1971, (Decision Nos. 10352-A and 10353-A) represents a collective bargaining unit consisting of (1) all regular full-time and regular part-time clerical employees in the Courthouse, the Airport, the Beloit County Building, the Guidance Center and Youth Home, the Department of Social Services, the Highway Department, the Sheriff's Department, (2) all regular full-time and regular part-time airport maintenance employees, and (3) all regular full-time and regular part-time Parks Department employees, but excluding all confidential, supervisory, craft and professional employees and also excluding all other employees. This unit included the secretaries, the Food Service Supervisor, and the Office Manager of the Sheriff's Department.

In the case in which the aforesaid bargaining units were established the parties stipulated to the voting eligibility of the employees involved and it was understood at the time that the employees involved in said unit constituted a residual unit comprised of all regular full-time and regular part-time employees of the County then not included in the existing units. With respect to the Sheriff's Department the parties had agreed to include in the unit involved the Food Service Supervisor, the Office Manager and the employees occupying the positions of Typist III. There is no classification of "cooks" employed in the Sheriff's Department. Cooking duties are performed by individuals occupying the classification of matrons. For some reason or other matrons were not included among the eligibles in the unit involved in the unit previously established, possibly under the belief that, since they were deputized, they would be included in a unit of law enforcement personnel, which has been represented by the Petitioner herein.

In collective bargaining subsequent to said certification the County and the Intervenor agreed to exclude the Office Manager from the unit on the basis of confidentiality and entered a two year collective bargaining agreement. The Intervenor contends that this agreement constitutes a bar to an election herein, but this issue is not reached because the requested election is denied on other grounds.

In conformity with its general policy against fragmentation of bargaining units the Commission deems it inappropriate to

extract the secretarial and Food Service Supervisor positions from the broader unit represented by the Intervenor. In conformity with the policy expressed in the newly adopted Municipal Employment Relations Act the Commission will not fragmentize bargaining units and therefore it is inappropriate to extract the secretarial and Food Service Supervisors positions from the broader unit represented by the Intervenor.

The three matrons serve as cooks under the Food Service Supervisor, whose position is not supervisory within the meaning of the Municipal Employment Relations Act, during approximately ninety percent of their working hours. Although they are deputized and spend the remainder of their working time assisting with women in the custody of the Sheriff's Department, so do the secretarial employees, who also similarly to the matrons assist with women in custody. Moreover, while the secretarial employees wear uniforms and badges, the matrons wear cook's clothing without badges.

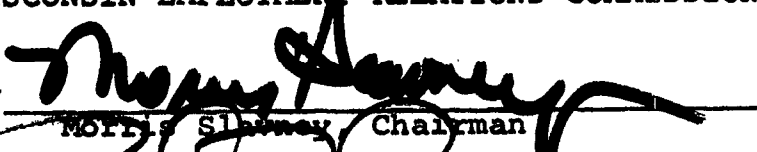
Both the matrons and the secretarial employees are on-call for unscheduled handling of prisoners and others which may necessitate work outside of normal working hours, are required to have telephones at home for this purpose, and work in the Sheriff's Department facilities apart from the courthouse on a schedule which differs from that of other departments. However, these distinctions do not, in the Commission's judgment, justify their being separated from the broader unit represented by the Intervenor, which already includes geographically separate facilities and other variations not regarded as significant enough to support separate units, especially when said individuals spend a majority of their time in non "law enforcement" duties.

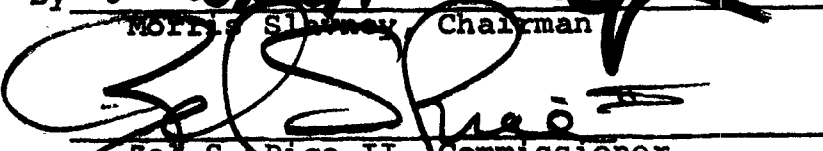
It is the Commission's conclusion that, rather than treating the matrons distinctly or removing the Food Service Supervisor and secretaries from the existing unit, the policy against fragmentation is best served by including the matrons in unit represented by the Intervenor.

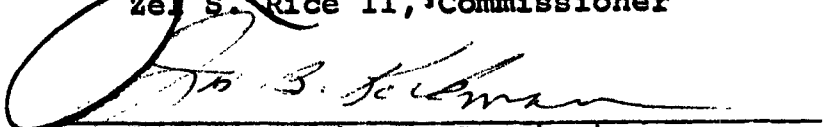
Dated at Madison, Wisconsin, this 30th day of March, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slawney, Chairman


Zel S. Rice II, Commissioner


Jos. B. Kerkman, Commissioner