

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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In the Matter of the Petition of

WISCONSIN COUNCIL OF COUNTY AND  
MUNICIPAL EMPLOYEES, AFSCME, AFL-CIO

Involving Certain Employes of

LA CROSSE COUNTY (DEPARTMENT OF  
SOCIAL SERVICES)  
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Case XVI  
No. 15333 ME-755  
Decision No. 10910

Appearances:

Mr. Walter J. Klopp, District Representative, appearing on behalf  
of the Petitioner.  
Mr. Ray Sundet, Corporation Counsel, appearing on behalf of the  
Municipal Employer.

ORDER OF DISMISSAL

Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO having petitioned the Wisconsin Employment Relations Commission to conduct an election pursuant to the Municipal Employment Relations Act among the office and clerical employees of the Department of Social Services of LaCrosse County; and a hearing on said petition having been conducted at LaCrosse County Courthouse, LaCrosse, Wisconsin, on March 1, 1972, by Zel S. Rice II, Commissioner; and the Commission having considered the evidence and being satisfied that the unit claimed to be appropriate is not an appropriate unit within the meaning of Section 111.70(4)(d)2.a. of the Municipal Employment Relations Act, and that the petition should be dismissed;

NOW, THEREFORE, it is

ORDERED

That the petition filed in the instant matter be, and the same hereby is, dismissed.<sup>1/</sup>

Given under our hands and seal at the  
City of Madison, Wisconsin, this 4th  
day of April, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slavney, Chairman

  
Jos. B. Kerkman, Commissioner

  
Zel S. Rice II, Commissioner

<sup>1/</sup> See Memorandum attached.

LaCrosse County (Department of Social Services)  
XVI, Decision No. 10910

MEMORANDUM ACCOMPANYING ORDER OF DISMISSAL

Prior to the effective date of MERA, November 11, 1971, employees employed in separate departments of a municipal employer could constitute appropriate units within the then existing Section 111.70(4)(d), Wisconsin Statutes, and pursuant thereto the Commission in the past has directed various elections among employees in certain "departments" of LaCrosse County in separate units, which included, among other employees, office and clerical employees. Such units and the presently certified collective bargaining representatives chosen by the employees in said units are as follows:

LaCrosse County Hospital (Lakeview) VII (Dec. No. 8341-A)

LaCrosse County Hospital Employees, AFSCME, AFL-CIO, on May 3, 1968, was certified as the exclusive representative for employees in a unit consisting of all employees, excluding superintendent, assistant superintendent, registered nurses and confidential clerical personnel.

LaCrosse County Sanatorium (Oak Forest) VIII (Dec. No. 8454)

Local 227, LaCrosse County Employees, AFSCME, AFL-CIO, on April 30, 1968, was certified as the exclusive representative for employees in a unit consisting of all employees, except confidential and professional employees.

LaCrosse County (Hillview Home and Infirmary) XIII (Dec. No. 9167-A)

Local 150, Service and Hospital Employees' International Union, AFL-CIO, on September 11, 1969, was certified as the exclusive representative of all employees, excluding the superintendent, supervisory personnel, confidential clerical personnel, registered nurses and licensed practical nurses.

It is to be noted that, except for confidential clerical personnel, all other office and clerical personnel are included in the above three units. In addition, although no election has been held among the Highway Department of the County, the County has apparently voluntarily recognized Wisconsin Council of County and Municipal Employees No. 40, AFSCME, AFL-CIO as the representative of all regular full-time and all regular part-time employees of the Highway Department, excluding the Highway Commissioner, superintendents, and non-working foremen.<sup>2/</sup> It is apparent that office and clerical employees in the Highway Department are included in said unit.

In addition there are a substantial number of office and clerical employees employed in various other departments of the County which are not included in any established units and therefore are presently not represented for the purposes of collective bargaining.

In the instant petition the Union seeks to represent only those office and clerical employees employed in the Department of Social Services, and the County agreed to the appropriateness of said unit.

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<sup>2/</sup> See Decision 9579.

However, Section 111.70(4)(d)2 of the Municipal Employment Relations Act urges the Commission, whenever possible, to avoid fragmentation in the establishment of units "by maintaining as few units as practicable in keeping with the size of the total municipal work force."


Therefore despite the fact that the parties have agreed to the appropriateness of the unit, the Commission will not accept such agreement, since in our opinion it is not an appropriate unit. We conclude that the office and clerical employees on a county-wide basis constitute an appropriate collective bargaining unit within the meaning of MERA.<sup>3/</sup> The employees in such unit have a substantial community of interest and are subject to many of the same personnel practices. To establish a unit consisting of office and clerical employees of the Department of Social Services only would result in such fragmentation so as to create an extensive administration problem and so as to be inadequate for viable collective bargaining. Many of the conditions of employment are equally applied to all of the office and clerical employees in the employ of LaCrosse County. There are some differences in the conditions of employment of the office and clerical employees employed in the Department of Social Services with those conditions of the other office and clerical employees employed by the County, because they are imposed on the County by the Wisconsin Department of Health and Social Services. However, such differences are not so substantial as to destroy the community of interest which exists between all of the office and clerical employees of the County, nor are their duties and training so unique that their interests and aspirations would be submerged by placing them in a unit consisting of all office and clerical employees employed by the County. The Commission is therefore dismissing the petition.

Since there are in existence collective bargaining agreements covering the wages, hours and working conditions of some of the County's office and clerical personnel, such agreements would, in all probability constitute a bar to a present election in a county-wide unit of office and clerical personnel. If any organization should seek to represent a county-wide unit of office and clerical personnel, the Commission shall consider a petition therefore to be timely filed if said petition is filed during a sixty day period prior to the reopening date of the agreement which has the earliest reopening date.

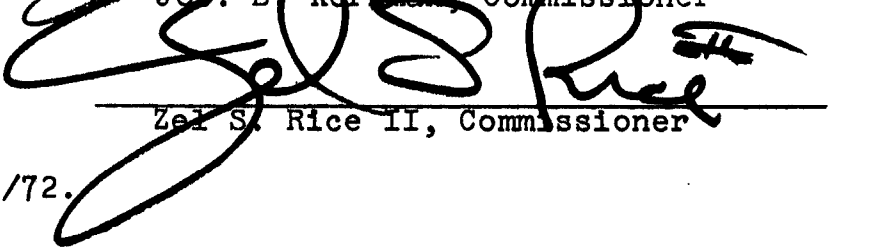
Dated at Madison, Wisconsin, this 4th day of April, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slavney, Chairman

  
Joseph B. Kerlan, Commissioner

  
Zel S. Rice II, Commissioner

3/ Dane County (10492-A) 3/72.