

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Case IV
No. 15502 ME-775
Decision No. 11019

Mr. Earl L. Gregory, Staff Representative, appearing on behalf of the Petitioner.

Mr. John M. Kuglitsch, Village Manager, appearing on behalf of the Municipal Employer.

Local 609, affiliated with Milwaukee District Council 48, AFSCME, AFL-CIO, having petitioned the Wisconsin Employment Relations Commission to conduct an election pursuant to the Municipal Employment Relations Act among certain employees of the Village of Greendale; and a hearing on said petition having been conducted at Milwaukee, Wisconsin, on May 16, 1972, by Commissioners Zel S. Rice II and Jos. B. Kerkman; and the Commission having considered the evidence and being satisfied that a question has arisen concerning representation for certain employees of said Municipal Employer;

DIRECTED

Given under our hands and seal at the
City of Madison, Wisconsin, this 19th
day of May, 1972.

Jos. B. Kerkman, Commissioner

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

During the course of the hearing the Municipal Employer contended that Marguerite Hansen, presently occupying the position of Acting Clerk-Treasurer, Judith Strenke, the private secretary of the Village Manager, and Rita Konz, a clerk in the Health Department, should be excluded from those employees eligible to vote in the election.

Marguerite Hansen, who ordinarily occupies the position of Deputy Clerk-Treasurer, on May 1, 1972, was appointed Acting Clerk-Treasurer until such time as a new Clerk-Treasurer is chosen. The new Clerk-Treasurer will be selected sometime within the next two to six months; and after his selection, Hansen will return to the position of Deputy Clerk-Treasurer. As Acting Clerk-Treasurer, Hansen has the right to recommend the hiring and firing of employees, although she has not done so during the sixteen days she has occupied that position. She does assign the other clerical employees in the office of the Clerk-Treasurer to their various duties and checks up on them to see that their work is performed properly. As Acting Clerk-Treasurer she spends about 90 percent of her time supervising other employees. As Deputy Clerk-Treasurer, she received a yearly salary of \$8,400. As Acting Clerk-Treasurer she is being paid at the rate of \$9,600 a year. The other clerical employees employed by the Village are paid at an hourly rate varying from \$2.40 an hour to \$3.75 an hour. As Deputy Clerk-Treasurer, Hansen's supervisory activities are minimal, although she may exercise some supervisory authority during the absence of the Clerk-Treasurer. As Deputy Clerk-Treasurer she spends 50 percent of her time doing the billing for the Utility Department, and the remainder of her time is spent in preparing the payroll or helping the Clerk-Treasurer. As Deputy Clerk-Treasurer, Hansen spends only a minimal amount of time in supervisory activity, and most of her time is spent performing tasks similar to those performed by other clerical employees. Hansen is paid a substantially higher salary as Deputy Clerk-Treasurer than other clerical employees because of her particular skills and long-time service, rather than for performing as a supervisor.

We conclude that the position of Deputy Clerk-Treasurer is included in the bargaining unit. However, this position is not presently filled since Marguerite Hansen, who would normally fill this position, is now the Acting Clerk-Treasurer. The latter position will be abolished when the Clerk-Treasurer position is filled, which will be any time within the next two to six months. Hansen is, therefore, temporarily performing the duties of the Clerk-Treasurer although she is presently classified as Acting Clerk-Treasurer. Upon the appointment of the Clerk-Treasurer she will resume her former position and since that position is included in the bargaining unit, Hansen is deemed eligible to vote in the election although she is temporarily occupying a position not in the unit. Should the employees select the Union as the bargaining representative, it will have the right to bargain on the wages, hours and working conditions of the position of Deputy Clerk-Treasurer. It would be inconsistent to include said position in the bargaining unit and deny Hansen, who will return to that position, an opportunity to have a voice in the selection of the bargaining representative.

Judith Strenke, who is classified as a Stenographer-Secretary is the private secretary of the Village Manager. Her work station is located adjacent to the latter's office and separated from the other clerical employees, although they are all employed in the Village Hall. Strenke takes and records the minutes of the meetings of the Village Board, and may be present during executive meetings when personnel matters, wages and grievances are discussed. She handles

all correspondence of the Village Manager with respect to salaries, negotiations and grievances and has access to confidential personnel records and records with respect to negotiations and grievances. We conclude that Strenke is a confidential employe, and as such, her position is excluded from the bargaining unit, and, therefore, Strenke is not eligible to vote in the election.

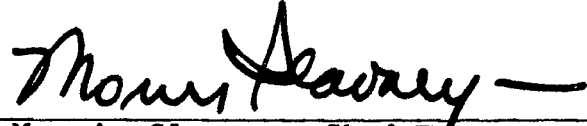
Rita Konz, a Clerk in the Health Department is the only clerical employe in said Department, and is segregated from the other clerical employes of the Village. She maintains all the records of the Department and, as such, has access to confidential health records. However, she does not have access to any records or information with respect to negotiations or grievances. The Commission is satisfied that Konz is not deemed a confidential employe within the meaning of Section 111.70(1)(b) of the Municipal Employment Relations Act. Therefore, she is eligible to vote in the election.

The Village also contends that Paulene Acker should not be permitted to vote in the election because she is a probationary clerical employe. Acker has the expectancy of regular employment and, therefore, she is included among the employes eligible to vote. 1/

Dated at Madison, Wisconsin, this 19th day of May, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slawney, Chairman


Ted S. Rice II, Commissioner


Jos. B. Kerkman, Commissioner