

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

CITY OF KENOSHA

W. B. Kerckman, Commissioner

MEMORANDUM ACCOMPANYING  
ORDER CLARIFYING BARGAINING UNIT

During the hearing the City and Union stipulated to the facts and requested the Commission to clarify the bargaining unit certified in City of Kenosha (7529-A) 6/66 to include in that unit the employees of the Kenosha Public Museum, excluding the Director and part-time guard.

The parties stipulated that there are presently six positions, five of which are filled, in the Museum. There is no question that the Secretary, who does "responsible secretarial and accounting work" under general supervision, and the Museum maintenance man, who under general direction is responsible for general maintenance at the Museum building, should be included in the unit.

The parties stipulated that the Curator of Exhibits should not be considered a professional employe. The Curator of Exhibits does taxidermal work, makes models, prepares posters, etc. It was stipulated that while the present job description requires a college education in a general academic course and museum experience, the present occupant of such position is not a college graduate. We, therefore, find that the position of Curator of Exhibits at the present is not occupied by a professional employe and therefore is included in the unit.

It was stipulated that the Curator of Education, presently unfilled, involves conducting tours, organizing and executing educational programs at the Museum, including publicity, enrollment and effective programing, selecting for purchase school-loan material and creating audio-visual materials. The position presently requires a general education degree including some education credits. The parties stipulated that such position is not professional and should be included in the bargaining unit. We find that the position of Curator of Education does not require other than a general academic education,<sup>1/</sup> and therefore is included in the unit.

The Museum is under the control of an independent board of the City government which meets once a month. The Director of the Museum enforces and interprets the policies of this board. In this capacity he alone is responsible for the direction of the other Museum employes, assigning work, effectively recommending the discharge of employes, reprimanding and warning employes for poor performance or violation of work rules. We find that the Director of the Museum is, and, as the parties have stipulated, a supervisor and is excluded from the unit.<sup>2/</sup>

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<sup>1/</sup> Section 111.70(1)(1)1.

<sup>2/</sup> Wis. Rev. Stat. (1971) Section 111.70(1)(o).

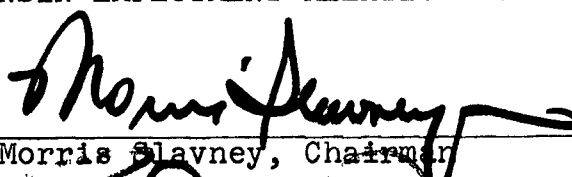
The parties have stipulated that the regular part-time guard should be excluded from the unit since he has no community of interest with regular full-time employees. The Commission finds such stipulation appropriate, and the guard is excluded from the unit.

Since the parties have joined in a request that the Museum employees be included in the existing unit and since Section 111.70(4)(d)2a encourages the Commission that it "shall whenever possible avoid fragmentation by maintaining as few units as practicable in keeping with the size of the total municipal work force," the Commission concludes that the otherwise eligible Museum employees should be included in the unit previously established in City of Kenosha (7529-A), 6/66.

Dated at Madison, Wisconsin, this 6th day of November, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slavney, Chairman

  
Zel S. Rice II, Commissioner

  
Jos. B. Kerkman, Commissioner