

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of
DISTRICT COUNCIL 48, AFSCME, AFL-CIO
Involving Certain Employees of
COUNTY OF MILWAUKEE

Case XLIX
No. 15689 ME-799
Decision No. 11382-D

Appearances:

Goldberg, Preivant & Uelmen, Attorneys at Law, by Mr. John S.
Williamson, Jr., appearing on behalf of the Petitioner.
Mr. Patrick G. Foster, Assistant Corporation Counsel, appearing
on behalf of the Municipal Employer.

ORDER CLARIFYING BARGAINING UNITS

The Wisconsin Employment Relations Commission having heretofore certified District Council 48, AFSCME, AFL-CIO, hereinafter referred to as the Union, and its appropriate affiliated locals, as the collective bargaining representative of certain employees in the employ of the County of Milwaukee in various appropriate collective bargaining units; and the Union having on June 1, 1972, filed a petition with the Wisconsin Employment Relations Commission requesting the Commission to determine whether approximately 68 position classifications, which were created since the issuance of the previous certifications, should be included or excluded from said appropriate collective bargaining units; and the Commission, on October 23, 1972, having issued an Order Clarifying Bargaining Units, which in relevant part, excluded the positions of Assistant Casework Supervisor and Financial Assistance Supervisor I and II employed in the Public Welfare Department of the County of Milwaukee, hereinafter referred to as the Department, from any of the appropriate collective bargaining units on the basis of supervisory status; and the Union having, on October 31, 1972, filed a motion requesting that the Commission reopen hearing in the matter to take testimony and evidence with regard to the supervisory status of said positions; and the Commission having been satisfied that the previous record was fragmentary and having subsequently granted such request on November 11, 1972 wherein it issued an Order Reopening Hearing; and the County of Milwaukee on November 15, 1972, having filed a motion to vacate such Order and set aside further hearing; and the Commission having subsequently denied such Motion and further indefinitely postponing hearing in the matter; and the County of Milwaukee having, on January 17, 1973, filed a Motion to further reopen the matter to take additional testimony and evidence with regard to the collective bargaining unit status of the Clerk - Stenographer II assigned to the Supervisor of Staff Development, Clerk - Stenographer II assigned to Staff Development Assistants and the Staff Development Assistants employed in the Welfare Department; and the Commission being satisfied that further hearing on said Motion was necessary, hearing was conducted on March 3, 1973 and continued on June 12, 1973, and on June 13, 1973; and the Union having filed a Motion to vacate the aforementioned Order Clarifying Bargaining Units insofar as the Order concerned the positions of Assistant Casework Supervisor and Financial Assistance Supervisor I until such time as the Commission ruled on the Motions to reconsider such positions; and the Commission having issued an Order Denying Motion to Vacate wherein it held that its previous Order Clarifying Bargaining Units should stand until it is explicitly modified; and hearing in the matter having been continued on June 28, 1973; and the Commission, having reviewed the evidence and argument of counsel and being fully advised in the premises makes and issues the following:

ORDER CLARIFYING BARGAINING UNITS

The following positions within the Public Welfare Department of Milwaukee County are to be excluded from any of the appropriate collective bargaining units involved on the basis indicated:

Assistant Casework Supervisor - supervisory

Financial Assistance Supervisor I - supervisory

Staff Development Assistant - supervisory and managerial

The following positions are to be included in the relevant collective bargaining unit:

Clerk - Stenographer II assigned to the Supervisor of Staff Development

Clerk - Stenographer II assigned to Staff Development Assistants

Given under our hands and seal at the
City of Madison, Wisconsin, this 16th
day of September, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Morris Slavney, Chairman

Zel S. Rice II, Commissioner

Howard S. Bellman, Commissioner

MEMORANDUM ACCOMPANYING ORDER
CLARIFYING BARGAINING UNITS

On October 23, 1972, the Commission issued an Order Clarifying Bargaining Units 1/ wherein the positions of Assistant Casework Supervisor, Financial Assistance Supervisor I and II were excluded and the Clerk - Stenographer II on the staff of the Supervisor of Staff Development and Staff Development Assistants employed in the Public Welfare Department were included in appropriate collective bargaining units. The parties subsequently filed individual motions, as set forth in the foregoing Order Clarifying Bargaining Units, requesting that hearing in the matter be reopened in order to take testimony and evidence with regard to the bargaining unit status of certain positions. The Union disputes the initial exclusion of Assistant Casework Supervisor and Financial Assistance Supervisor I 2/ and the County of Milwaukee contests the original inclusion of Clerk - Stenographer II assigned to the Supervisor of Staff Development, Clerk - Stenographer II assigned to Staff Development Assistants in the pertinent collective bargaining units.

Several years ago, the Welfare Department divided its functions between two distinct units. Whereas caseworkers previously performed both social service and financial assistance duties, the reorganization separated such services and staff. As a result, the Division of Social Services is staffed by caseworkers and the Division of Financial Assistance is staffed by their counterparts, case aides.

ASSISTANT CASEWORK SUPERVISOR

The Division of Social Services in the Department of Public Welfare is divided into thirteen sections. The sections consist of: Unwed Parent, Adoption, Family Counseling, Handicapped Children, Child Protection, Parent Rehabilitation, Adult Services, Assessment-Brief Services, Self-Support, Purchase of Service, Special Resources, Foster Care, and Special Services. Each section is headed by a Section Supervisor who immediately supervises between one and four Casework Supervisors I. The Casework Supervisor I oversee the disputed position of Assistant Casework Supervisor.

The Division of Medical Services in the Department of Public Welfare also employs Assistant Casework Supervisors. The Division is divided into four sections, specifically, Residential Care, Mental Health/Colony, Medical Hospital and Nursing Home Sections. These sections are headed up by one to five Assistant Casework Supervisors who are directly supervised by one of the Department's two Casework Supervisors II.

At the time of the hearing, there were approximately thirty Assistant Casework Supervisors in the employ of the Welfare Department. The Incumbents were being compensated within pay range 22 (\$1008 to \$1161 per month). Casework Section Supervisors were in pay range 27 (\$1196 to \$1428). The Assistant Casework Supervisors work with between seven and eleven Caseworkers I and II. Although some have as

1/ County of Milwaukee (11382) 10/72.

2/ During hearing the matter, the parties stipulated to the exclusion of the Financial Assistance Supervisor II from any relevant collective bargaining unit T. P. 49.

few as five and some as many as eleven, on the average there are eight caseworkers per Assistant Caseworker Supervisor. At the time of hearing, Caseworkers I were compensated at range sixteen (\$833 to \$933 per month) and Caseworkers II were in pay range 18 (\$822 to \$1008).

The duties of an Assistant Caseworker Supervisor as set forth in the job description are as follows:

"Under direction, to assist in planning, supervising, and directing the work of a small staff of caseworkers in a unit or section of the Public Welfare Department; to guide workers in organizing their field and office work, conducting investigations, determining and implementing appropriate case action, utilizing community resources, and compiling case records; to assign cases and review and evaluate worker recommendations for adequacy and effectiveness; to assist in training and developing staff capabilities; to review the progress of cases within the unit and to coordinate casework activities in the unit; to handle complex problem cases; to conduct individual or group conferences and discussions for the analysis of case problems and the improvement of diagnostic and caseworking skills and techniques; to participate in district or division conferences; to prepare reports; and to perform such other duties as may be assigned." 3/

Educational and experience qualifications for the position consist of a college degree, with an undergraduate major in sociology or social work preferred, and five years' paid experience as a caseworker.

The various sections within the Social Services Division of the Welfare Department are predominately staffed with Caseworkers I and II whose duties involve responding to various social service needs of clients. Caseworkers I must possess a Bachelor's degree, preferably with a major in Social work or Sociology, and after two years work experience, are eligible to become Caseworkers II. The caseworkers are assigned an individual caseload in one of approximately fifteen program areas located in a variety of offices. For example, the caseworker staff in the Self-Support Work Unit consists of one appraisal worker involved in the work incentive program, two or three reassessment workers who handle and evaluate approximately 150 minimal service cases, and five on-going workers who each work on approximately 25 active service cases. At the time of the hearing, a departmental reorganization was in progress which was anticipated to reduce the reassessment workers' individual caseload from 150 to 50 and which would have on-going workers maintain minimal service cases in their own workloads rather than transferring such cases to other caseworkers. The reassessment workers spend 50 to 60% of their working time in the office, the on-going workers spend approximately 50% of working time in the office and the appraisal worker is out of the office 80% of working time or more. All caseworkers are required to have fifty face-to-face client contacts per month.

The Assistant Casework Supervisors remain in the office 100% of their working time and do not carry any assigned client caseload. The actual number of cases carried by caseworkers is generally determined by program standards (i. e. general assessment workers are expected to complete 33 assignments; the WIN appraisal system determines which and when cases are ready for work placement with the on-going workers). In some instances, the Assistant Casework Supervisor may assign such cases to the caseworkers on the basis of numerical equity (assigning new cases to caseworkers with the smallest workload). Furthermore, the Assistant Casework Supervisor may assign cases to various employees based on his assessment of the worker's ability to

handle additional or particular cases. The worker's current caseload and remaining number of client contacts needed during a given period, may be considered by the Assistant Casework Supervisor in determining whether a particular worker should carry an amount of cases above or below the section's mean. The Assistant Casework Supervisor spends approximately one hour per day assigning cases.

The Assistant Casework Supervisor may reassign a case to another unit worker in the event that the assigned caseworker is unable to handle the case or the client has expressed unresolvable dissatisfaction with his assigned worker. Similarly, the Assistant Casework Supervisor can assign an employee to handle the duties of an absent employee.

The caseworkers fill out case narratives which are reviewed by the Assistant Casework Supervisors for indications of appropriate case handling and conformity to department standards. The Assistant Casework Supervisor reviews any unusual situations or client complaints with the assigned caseworker in an attempt to solve any case problems. Concurrent with the recent departmental reorganization, the Assistant Casework Supervisor has been reviewing the backlog of cases to determine whether or not they have been appropriately handled and if any could be closed. During the hearing, an Assistant Casework Supervisor testified that she had,

"A responsibility to the whole department to see [that] their [the caseworkers] cases are properly handled." 4/

In order to comply with the agency requirement that eligibility be reviewed annually for each client, Assistant Casework Supervisors perform spot checks on the accuracy of the caseworkers' reports concerning client eligibility for services.

The Assistant Casework Supervisor responds telephonically to public inquiries regarding available social services and to client inquiries when their assigned case worker is out of the office. In the event of the latter, the Assistant Casework Supervisor may handle the situation or note the inquiry in the case file. In addition, the Assistant Casework Supervisor maintains records, entitled caseload management check sheets, which denote to whom a case is assigned, the date assigned, case number, work unit and all subsequent changes in case status. Besides any special reports requested, weekly reports of case movement in the unit are prepared and submitted by the Assistant Casework Supervisor. Approximately 60 to 80% of the incumbent's working time is spent in conferences, on case review and scheduling of cases.

The Assistant Casework Supervisor is responsible for providing professional guidance to unit caseworkers. They advise the caseworkers on different approaches to various problems and assist them in evaluating case progress and reassessing the worker's particular case plan. The Assistant Casework Supervisor may informally give advice to a worker on handling a complex or unusual problem. However, where the Assistant Casework Supervisor's suggested course of action varies from that being considered by the caseworker, the worker makes the ultimate determination. A major job function of the Assistant Casework Supervisor is to be readily available to provide expertise in the resolution of workers' case problems and to handle client telephone calls in the absence of assigned caseworkers.

The Assistant Casework Supervisor identifies the training needs of the unit and insures that the caseworkers receive any needed

in-service training. The incumbent holds individual conferences with each worker on approximately a weekly basis and conducts unit meeting concerning administrative policies, procedures, and changes thereof every two weeks or so. The Assistant Casework Supervisor meets with his or her immediate Casework Supervisor to discuss problems and to be advised of new or revised management policies. The frequency of such meetings vary within sections but are customarily held once a week.

The Assistant Casework Supervisor does not participate in the hiring of caseworkers at the entrance level. However, the Assistant Supervisor does become involved in employees' requests for transfer and promotion. The incumbent may recommend transfer of employees within the unit although such recommendation may be of limited effectiveness. The names of employees desiring interdepartmental transfers are submitted in groups of three to the department head in whose department a vacancy exists. On the basis of qualification and seniority, one employee for transfer is selected. However, employees seeking intradepartmental transfers are referred to the relevant Assistant Casework Supervisor individually or in a group based on seniority and qualification. The Assistant Casework Supervisor may reject an applicant for intradepartmental transfer for good cause.

Caseworkers, upon two year's experience in the Caseworker I classification and passage of a Civil Service Examination, are eligible for promotion to Caseworker II. The Assistant Casework Supervisor is required to complete that portion of the promotion form which assesses a Caseworker I's work performance. The Assistant Casework Supervisor is required to indicate whether or not he or she recommends the employee for promotion. Such an evaluation becomes part of the Caseworker I's overall grade which determines the employee's possibility of being promoted. Testimony adduced during the hearing established that over a period of five years, two Caseworkers I, employed in one of the sections, were not promoted on the recommendation of the Assistant Casework Supervisor.

Whereas caseworkers are customarily entitled to a salary increment at the end of one year's service, the Assistant Casework Supervisor may recommend to the Coordinator of Staff Development and Personnel that an employee's increment be withheld for a certain period of time. The Assistant Casework Supervisor may issue oral or written reprimands to caseworkers and may recommend more severe forms of discipline, including suspension and discharge of employees. The Assistant Casework Supervisor may effectively recommend permanent employee status or discharge of probationary employees. Written employee evaluations are prepared and submitted by the Assistant Supervisor after the first three months of employment, at the conclusion of the six month probationary period and annually thereafter until the caseworker has been employed for five years.

The Assistant Casework Supervisor is required to schedule sufficient personnel coverage for the office. Such scheduling appears to be on an alphabetical basis. The incumbent is informed by the caseworkers of the medical or work related reasons for their absence from the office. Accordingly, the Assistant Casework Supervisor reports late arrivals for work and illness to the Personnel Office. The Assistant Casework Supervisor, on a routine basis, schedules employee lunch breaks, vacations, personal days off, and liquidation of compensatory time. Caseworkers' time cards, mileage reports and vacation requests are initialed by the Assistant Casework Supervisor. Spot checks may be conducted on employee mileage reports. However, as either a Caseworker I or II acquires senior status, the employee is

given greater autonomy and less review by the Assistant Casework Supervisor is required. The Assistant Casework Supervisor in the Adult Services Section estimated that 50% of the position's working time was spent reviewing the records and reports maintained by the caseworkers.

During the absence of the assigned Assistant Casework Supervisor, and Assistant Casework Supervisor from another section is required to cover the unit. All mail received by caseworkers goes over the desk of the Assistant Casework Supervisor, whereupon it is examined and placed in the individual employee's mail box.

It may be noted that the Assistant Casework Supervisor had been included in the relevant collective bargaining unit prior to the unit clarification initially issued on October 23, 1972 wherein the position was excluded. The County contends that the on-going reorganization of the Welfare Department will result in the involvement of the Assistant Casework Supervisor in the hiring, utilization and supervision of degreed and paraprofessional caseworkers in team or individual work assignments.

Financial Assistance Supervisor I

The Division of Financial Assistance is comprised of three Sections: Application - Public, Medical/Food Stamp Assistance; Continuing Financial Aid Section I; and Section II. Each section is headed by a Financial Assistance Supervisor II who oversees eight to ten Financial Assistance Supervisors I. There are between sixty-four and eighty-two case aides in each section, who are divided into working units of seven to eleven employees (an average of eight) attached to a particular Financial Assistance Supervisor I. In addition, there is one Financial Assistance Supervisor I and seven case aides in the Record Auditing Section of the Bureau of Management Services.

At the time of the hearing, there were approximately thirty Financial Assistance Supervisors I employed in the Welfare Department. The Financial Assistance Supervisors I have been compensated in pay range 14(\$786 to \$882). Their immediate supervisors, Financial Assistance Supervisors have been in range 23(\$967 to \$1113). Case Aides I have been compensated in range 5(\$582 to \$670) and Case Aides II have been in range 7(\$660 to \$740).

As set forth in its job description, the duties of a Financial Assistance Supervisor I (also referred to as Supervisor I herein) are as follows:

"Under general direction, to plan, assign, supervise, and coordinate the work of a number of case aides involved in the processing of new and recurrent applications for general relief, social security aids, food stamps, or medical assistance; to insure that case records are complete and up to date; to effectively handle inquiries and complaints from clients and their families; to instruct and train new employees; to direct work flow and output; to coordinate work flow with the activities of other divisions or departments; to recommend and install new and revised forms, methods, and procedures; to advise department or division heads on technical problems; to effectively discuss difficult or unusual problems with the public; to keep records and prepare reports; and to perform such other duties as may be assigned." 5/

Minimum education and experience qualifications consist of graduation from high school with college training preferred and four years of

successful experience in a responsible clerical or administrative position, one year having been served in a supervisory capacity.

The Case Aides in the Division of Financial Assistance function as the counterparts to the caseworkers in the Division of Social Services. Whereas the caseworkers deal with the social elements of client services available through the Public Welfare Department, case aides handle the financial aspects of public assistance. There are approximately 280 case aides in the department. Case Aides I and II determine client need and eligibility for financial assistance at the time of review, handle special need requests and complaints, and make financial grant adjustments.

The Division relies upon a system of caseload management whereby the number of cases assigned to a case aide is determined by department standards. Cases are processed through the Intake Section and delegated to and distributed throughout the Financial Assistance Division on the basis of the number of current cases and by geographic area. Recently the caseload per aide has been reduced from an average of 180 to 160 or 140 cases in different program areas. However, in assigning cases to the aides, the Financial Assistance Supervisor I may determine that a certain aide should carry a number of cases above or below the mean. Accordingly, the Financial Assistance Supervisor I may direct an employee with an overload of cases to pass along some of his or her cases to another employee. New employees are given a reduced caseload until such time as the Financial Assistance Supervisor I considers the aide capable of carrying a regular caseload. It had been anticipated that case aides would spend 94% of their working time in the office and the remaining 6% conducting home visits. However, the aides have remained in the office almost 100% of their working time.

The primary duties of the Financial Assistance Supervisor I involve reviewing the case aides' assessment of financial need and eligibility and evaluating the appropriateness of the financial assistance specified by an aide with regard to conformity with departmental rules. The Financial Assistance Supervisor I does not maintain an assigned caseload and spends approximately 50% of his or her working time reviewing case records and making the aforementioned determinations.

The Financial Assistance Supervisor I advises case aides on the handling of various cases and on relevant departmental policy. The incumbent conducts individual conferences with the aides to advise on and review the employee's activities. An additional 25% of working time is spent by the Financial Assistance Supervisor I on public relations. The Financial Assistance Supervisor I addresses inquiries from landlords, clients, and other departmental staff. Client complaints and appeal concerning financial assistance may be reviewed in hearings conducted by the Financial Assistance Supervisor I. All financial assistance requests requiring an expenditure of more than \$100 must be approved by the Financial Assistance Supervisor I. Whereas, grants of less than \$100 may be approved by senior aides, all expenditures regardless of amount, directed by Case Aides I must first be approved by the Financial Assistance Supervisor I. The Financial Assistance Supervisor I devotes approximately an additional 20% of his or her working time to the training of employees.

The Financial Assistance Supervisor I becomes involved in the promotion of case aides, transmittal of management policies, transfer of employees, vacation scheduling, verbal and written reprimand and recommendation of the withholding of an employee's salary increment in same manner as the Assistant Casework Supervisor I has been described as doing. Similarly, the Financial Assistance Supervisor I maintains employee attendance records for his or her section.

POSITIONS OF THE PARTIES:

The parties set forth their respective arguments as being applicable to both the Assistant Casework Supervisor and Financial Assistance Supervisor I.

The County avers that the positions are supervisory under the statutory definition provided in Section 111.70(1)(o)1 wherein it states:

"Supervisor means . . . any individual who has authority, in the interest of the municipal employer, to hire, transfer suspend, lay off, recall, promote, discharge, assign, reward or discipline other employes, or to adjust their grievances or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment."

Furthermore, the County holds that a conclusion that the positions are supervisory is consistent with the case law developed by the Wisconsin Employment Relations Commission. The County asserts that the incumbents have a community of interest separate and distinct from that of the employes in the existing collective bargaining units.

The Union avers that there is a sufficient community of interest between the positions in dispute and the positions in the existing collective bargaining unit to warrant the incumbents inclusion. The Union argues that the positions are not supervisory under the meaning of the statute or the criteria invoked by the Commission in supervisory determinations rendered prior to the adoption of the foregoing statutory language. 6/

6/ In determining whether an employee is a supervisor, the Commission considers the following factors:

1. The authority to effectively recommend the hiring, promotion, transfer, discipline or discharge of employes.
 2. The authority to direct and assign the work force.
 3. The number of employes supervised, and the number of other persons exercising greater, similar or lesser authority over the same employes.
 4. The level of pay, including an evaluation of whether the supervisor is paid for his skill or for his supervision of employes.
 5. Whether the supervisor is primarily supervising an activity or is primarily supervising employes.
 6. Whether the supervisor is a working supervisor or whether he spends a substantial majority of his time supervising employes.
 7. The amount of independent judgment and discretion exercised in the supervision of employes.
- Wauwatosa Board of Education (6219-D) 9/67; Racine County (8330) 12/67, City of Milwaukee (6960) 12/64.

The record discloses considerable evidence that the positions of Assistant Casework Supervisor and Financial Assistance Supervisor I involve duties which reflect advanced professional competence, and rather routine, nonjudgmental responsibilities toward subordinate positions. However, the positions also involve judgments of competence of caseworkers and aides and the authority to materially affect promotions, discipline and compensation of subordinates.

We are satisfied that the Assistant Casework Supervisors and the Financial Assistance Supervisor I's exercise supervisory authority with regard to the caseworkers and case aides employed in the Public Welfare Department. Accordingly, we find said positions to be appropriately excluded from any relevant collective bargaining units.

CLERK - STENOGRAPHER II - ASSIGNED TO THE STAFF DEVELOPMENT SUPERVISOR

The County, contrary to the Union, avers that the Clerk - Stenographer II - assigned to the Staff Development Supervisor should be excluded from any relevant collective bargaining unit as a confidential employee. The Staff Development Supervisor dictates to the incumbent concerning matters discussed in staff meeting with the Director of Public Welfare. The Clerk - Stenographer II has access to personnel and payroll information and has worked on studies concerning employee use of sick leave and absenteeism. The Clerk - Stenographer II may be called upon to assist the personnel or payroll staff during the absence of clerical members of their staff.

CLERK - STENOGRAPHER II - ASSIGNED TO STAFF DEVELOPMENT ASSISTANTS

The County argues that the Clerk - Stenographer II assigned to the Staff Development Assistants is a confidential employee appropriately excluded from any collective bargaining unit. The incumbent has access to employee evaluations and reports. In the absence of the Personnel Supervisor's staff (approximately five employees, of whom two are confidential) the Clerk - Stenographer II works for the Personnel Supervisor and at that time may be required to take dictation regarding labor relations.

The Commission has held that employees in various positions who, although they have access to confidential files, are not privy to management decisions with respect to personnel and labor policies, are not confidential employees. 7/ We find no evidence that either the Clerk - Stenographer II - assigned to the Staff Development Supervisor or the Clerk - Stenographer II assigned to the Staff Development Assistants is involved in discussions or decisions concerning confidential matters relating to labor relations. Furthermore, we are satisfied that the occasional filling in for employees in the personnel or payroll department, by either Clerk - Stenographer II particularly where other confidential employees are available within those units, 8/ does not warrant the incumbents' exclusion from an appropriate collective bargaining unit as confidential employees. Accordingly, we find that the Clerk - Stenographer II - assigned to the Staff Development Supervisor and the Clerk - Stenographer II assigned to the Staff Development Assistants are not confidential employees and are appropriately included in the relevant, existing collective bargaining unit.

STAFF DEVELOPMENT ASSISTANTS

At the time of hearing, there were four Staff Development Assistants employed in the Public Welfare Department. The duties of the position are as follows:

7/ Racine Area Voc. Tech. & Adult Education (9188) 8/69.

8/ Cudahy Bd. of Ed. (12087) 8/73.

"Under direction, to assist in planning and administering an orientation and staff development program for the Public Welfare Department; to conduct an orientation program for all new and promoted employees; to prepare lesson outlines and general plans and to conduct in-service training courses through group meetings, institutes, workshops, and seminars; to assist in planning and directing the student field work training program; to assist in evaluating existing programs, planning new programs, and developing new training materials and aids; to assist in staff recruitment; to provide information on modern trends and current developments in the public welfare field; to assist in maintaining good public relations with other welfare agencies, community organizations, and individuals; to confer and cooperate with representatives of the State Department of Health and Social Services and the University of Wisconsin - Milwaukee; and to perform such other duties as may be assigned." 9/

Education and experience requirements consist of a master's degree from an accredited school of social work with some graduate or undergraduate work in education being desirable and two years' paid experience as a caseworker with a public welfare agency, preferably with some experience as a Casework Supervisor; and experience as a teacher or instructor in a school of social work being preferred.

The Staff Development Assistants conduct training interviews and are involved in the hiring process affecting caseworkers and case aides, 300 to 280 positions respectively. The Staff Development Assistants organize and conduct orientation and training programs for newly hired caseworkers and case aides. The program runs for approximately three weeks during which time the Staff Development Assistants instruct and counsel the new employees, assign them tasks and sign their time cards. At the conclusion of the training programs, the Assistants evaluate the caseworkers and case aides and make recommendations concerning the appropriate section placement of specific employees. Caseworkers and case aides may be terminated during the training period on the advice of the Staff Development Assistants.

The Staff Development Assistants have recommended and drafted departmental policies and procedures including a progressive discipline procedure. The County asserts that the foregoing substantiates that the Staff Development Assistants are supervisory or managerial employees and thereby are appropriately excluded from any relevant collective bargaining unit.


The Staff Development Assistants appear to exercise expertise in the areas of social work orientation and professional development of staff. Whereas the incumbents' instruction and related supervision of new employees is temporary, it appears to be determinative of the employees' continued employment and any subsequent job assignment. Furthermore, we are satisfied that the Staff Development Assistants effectively participate in the formulation of departmental policy. We conclude that the Staff Development Assistants perform sufficient

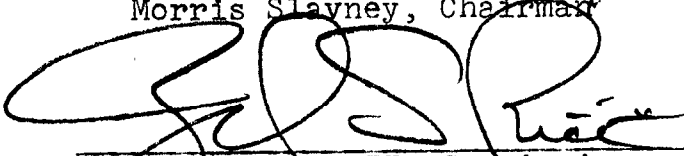
supervisory and managerial duties to warrant their exclusion from any appropriate collective bargaining unit relevant herein.

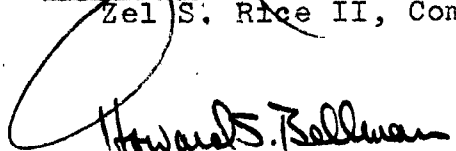
Dated at Madison, Wisconsin, this 16th day of September, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slayney, Chairman


Zel S. Rice II, Commissioner


Howard S. Bellman, Commissioner