

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

GENERAL DRIVERS, DAIRY EMPLOYEES AND
HELPERS LOCAL UNION NO. 579, affiliated
with INTERNATIONAL BROTHERHOOD OF
TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND
HELPERS OF AMERICA

Case I
No. 10475 ME-877
Decision No. 11688

Involving Certain Employes of

LAKE GENEVA JOINT SCHOOL DISTRICT #1

Appearances:

Goldberg, Previant & Uelmen, Attorneys at Law, by Mr. Alan M. Levy, appearing on behalf of the Petitioner.

Mr. Karl Reinke, Superintendent, appearing on behalf of the
Municipal Employer.

DIRECTION OF ELECTION

General Drivers, Dairy Employees and Helpers, Local Union No. 579, affiliated with International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America having petitioned the Wisconsin Employment Relations Commission to conduct an election among certain employes of the Lake Geneva Joint School District #1; and hearing on such petition having been conducted at Lake Geneva, Wisconsin, on March 7, 1973, Kay Hutchison, Hearing Officer, having been present; and the Commission having considered the evidence and being satisfied that a question has arisen concerning representation for certain employes of the above named Municipal Employer;

NOW, THEREFORE, it is

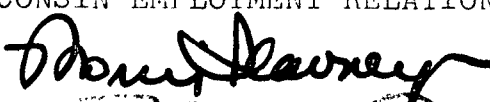
DIRECTED


That an election by secret ballot shall be conducted under the direction of the Wisconsin Employment Relations Commission within sixty (60) days from the date of this Directive in the collective bargaining unit consisting of all regular full-time and regular part-time custodial employes of the Lake Geneva Joint School District #1, but excluding supervisory, executive and all other employes, who were employed by the Municipal Employer on March 7, 1973, except such employes as may prior to the election quit their employment or be discharged for cause, for the purpose of determining whether a majority of such employes desire to be represented for the purposes of collective bargaining by General Drivers, Dairy Employees and Helpers Local Union No. 579, affiliated with International Brotherhood of Teamsters, Chauffeurs, warehousemen and Helpers of America.

Given under our hands and seal at the
City of Madison, Wisconsin, this 16th
day of March, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Clayney, Chairman


Zel S. Rice II, Commissioner

No. 11688

MEMORANDUM ACCOMPANYING
DIRECTION OF ELECTION

The sole issue to be determined herein is whether or not the position of Head Custodian, presently held by Thomas Yardley, is supervisory and thereby excluded from the appropriate collective bargaining unit. The Municipal Employer, contrary to the Petitioner, argues that Yardley's duties are sufficient to exclude him from the unit as a supervisor.

The Municipal Employer employs twelve custodians in five classroom buildings. The Head Custodian and two full-time custodians are assigned to the Denison Central Complex. Three of the remaining four buildings are each staffed by a full-time custodian. The last building is maintained by one full-time and one part-time custodian. The custodial staff also includes several female employees assigned cleaning duties in the various buildings. The custodians are responsible for the general maintenance and cleanliness of their respective buildings.

Generally, the custodians all work together on heavy tasks such as putting up playground equipment or scaffolding. Within their respective school buildings, the custodians must receive the permission of the building principal in order to leave the premises due to illness. Similarly, they must notify the principal if they anticipate arriving late for work. Custodians are compensated at the rate of \$605 per month.

Thomas Yardley has occupied the position of Head Custodian for the past two and a half years. The incumbent testified that he spends approximately 95% of his working time performing the same duties as the other custodial employees do, namely cleaning classrooms and hallways. The Head Custodian also performs general maintenance work. The remainder of the Head Custodian's time is spent on such duties as assigning routine tasks and transmitting the specific directions of the Business Manager or the Superintendent to the custodial staff. In addition, the Head Custodian requisitions supplies and keeps related records. The position is compensated at \$690 per month.

The incumbent testified that he has not participated in the hiring, firing, discipline, promotion, layoff or transfer of any custodial employee. However, on two occasions the recommendations of the Head Custodian were followed in the hiring of a new custodial employee.

In the event that a major maintenance problem occurs in another building, the Head Custodian is dispatched to that building to assess the situation. Major repairs must be approved by the central administration before they are implemented.

Having considered the Head Custodian's wage differential and effective recommendation for employment, we are not satisfied that such are sufficient indicia of supervisory status. The Head Custodian spends the substantial portion of his working time performing unit work. Furthermore, on those occasions during which the incumbent works directly with other employees, it appears that he works alongside such employees rather than primarily supervising them. We are satisfied

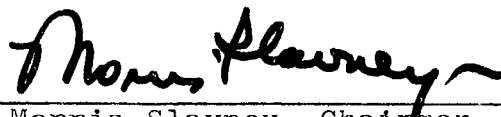
that the discretion of the Head Custodian for assigning tasks to other employees is limited to routine duties. Major non-routine work, having been identified by the Head Custodian, is performed with the approval of the central administration.

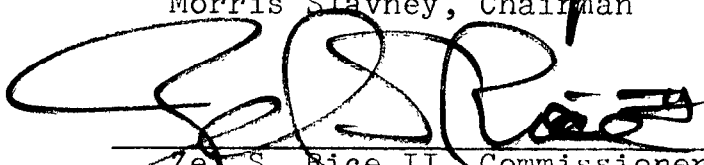
We conclude that the Head Custodian is a working foreman and, therefore, is appropriately included in the collective bargaining unit.

Dated at Madison, Wisconsin, this 16th day of March, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Zel S. Rice II, Commissioner