

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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In the Matter of the Petition of :

MADISON EMPLOYEES LOCAL UNION #60, :
AMERICAN FEDERATION OF STATE, :
COUNTY AND MUNICIPAL EMPLOYEES, :
AFL-CIO :

Case XV
No. 16661 ME-910
Decision No. 11773-A

Involving Certain Employees of :

MADISON JOINT SCHOOL DISTRICT NO. 8 :
- - - - -

ORDER CLARIFYING BARGAINING UNIT

Pursuant to a Direction issued by it, the Wisconsin Employment Relations Commission conducted an election on May 30, 1973, among all food service employees in the employ of Madison Joint School District No. 8, excluding managerial, supervisory and confidential employees, as well as teaching assistants performing cashier duties and student employees, to determine whether said employees desired to be represented for the purposes of collective bargaining by Madison Employees Local Union #60, American Federation of State, County and Municipal Employees, AFL-CIO; the results of such election indicate that of 140 employees claimed eligible to vote, 110 cast ballots, 31 ballots were challenged, and of the 79 valid ballots counted, 56 employees voted in favor of representation by said Union and 23 employees voted against said representation; and since the challenged ballots did not affect the result of the election, the Commission, on June 18, 1973, certified the Union as the collective bargaining representative for the employees in said unit; that prior to the issuance of the Direction of Election, and during the course of the hearing on the petition filed herein, evidence was adduced with regard to the employees whose ballots were challenged, with the understanding that should the challenged ballots not affect the results of the election, the Commission would issue the Certification and with the further understanding, however, that the Commission would subsequently rule on the challenged ballots in order to determine whether the individuals so challenged were to be included or excluded from the unit; and the Commission having reviewed the evidence and being satisfied that the individuals occupying the positions challenged, namely, the positions of Head Cook, Head Baker, Head Salad Cook and Satellite Manager are not supervisory positions within the meaning of Section 111.70(1)(c) of the Municipal Employment Relations Act, but rather are municipal employees within the meaning of Section 111.70(1)(b) of the Act, and that said positions therefore should be included in the unit;

NOW, THEREFORE, it is

ORDERED

That the Certification of Representatives issued on June 18, 1973, be amended to reflect the appropriate bargaining unit as

No. 11773-A

consisting of "all food service employes in the employ of Madison Joint School District No. 8, including Head Cooks, Head Bakers, Head Salad Cooks and Satellite Managers, excluding managerial, supervisory and confidential employes, as well as teaching assistants performing cashier duties and student employes."

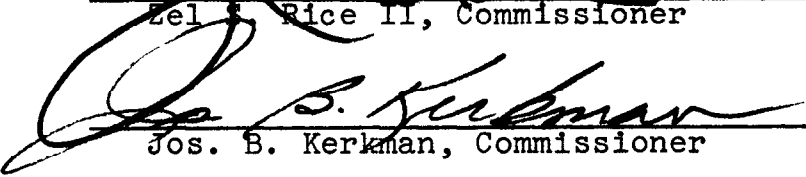
Given under our hands and seal at the
City of Madison, Wisconsin, this 17th
day of August, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slamon, Chairman


Zel Rice II, Commissioner


Jos. B. Kerkman, Commissioner

MEMORANDUM ACCOMPANYING
ORDER CLARIFYING BARGAINING UNIT

Food service personnel in the employ of the School District are classified into three groups as follows:

"Group I - 29

Kitchen Manager	5	Salaried
Head Cook	5	Salaried
Assistant Cook	8	Salaried
Head Baker	4	Salaried
Assistant Baker	3	Salaried
Head Salad Cook	4	Salaried

Group II - 139

Food Service Worker	48	Hourly employees
Satellite Manager	30	Hourly employees
Satellite Server	45	Hourly employees
Student Worker	16	Hourly employees

Group III - 5

TA's Cashiering in combination with other duties at the schools."	5	Hourly employees
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During the course of the hearing the parties agreed to the exclusion of the Kitchen Managers, as well as Student Workers and Teaching Assistants performing cashier duties. The parties agreed to include in the unit the Assistant Cooks, Assistant Bakers, Food Service Workers and Satellite Workers. The School Board took the position that the Head Cooks, Head Bakers, Head Salad Cooks and Head Satellite Managers were supervisors, while the Union contended that the individuals occupying such positions should be included in the unit as employees.

The School District maintains five central kitchens in its school system, each headed by a Kitchen Manager whose duties are described as follows:

"Under direction to coordinate the planning, preparation and transportation of food to receiving kitchen and to supervise the preparation and serving of the lunches on the school premise. Also, to perform related work as required."

Examples of the nature of such duties are set forth in the kitchen managers job description as follows:

- "1. Attend monthly kitchen managers meetings.
2. Direct and help, in emergencies, in the preparation of all foods.
3. Apportion and standardize servings.
4. Keep records and make reports. - Commodity Inventory, etc.
5. Supervise the cleanliness of the kitchen.
6. Requisition food from Central Stores and purchase perishables.
7. Prepare work schedules.

8. Cashier and keep daily lunch records.
9. Plan menus with school lunch supervisor.
10. Operate and care of equipment.
11. Be responsible for the receipt of all food, equipment and deliveries.
12. Be responsible for proper food storage and handling.
13. Menu evaluation and maintaining adequate points according to grade level of pupils (not less than 10% of average requirement.)
14. Be responsible for training new personnel.
15. Perform other duties as assigned."

The qualifications of Kitchen Managers are set forth as follows:

"Essential knowledge or abilities:

1. Considerable knowledge of large quantity cooking and food handling.
2. Ability to supervise assistants.
3. Ability to keep accurate records and make reports.
4. Considerable knowledge of kitchen and related equipment.
5. Ability to establish and maintain effective relationships with principals, teachers, pupils, and co-workers.

Desirable Training and Experience:

1. Graduation from high school, supplemented by workshop courses offered by University, D.P.I., School Food Service Supervisor."

All employes, except satellite employes, work approximately 40 hours per week. Kitchen Managers receive a salary range from \$193 to \$270 bi-weekly.

A Head Cook is employed in each of the central kitchens and the nature of the duties of the Head Cook are described as follows:

"Under direction to supervise the preparation and serving of the lunches in the school kitchen and to perform related work as required."

Examples of the duties of the Head Cook include duties similar to those set forth in the job description of the Kitchen Manager, namely, those duties set forth in examples No. 3 through 15, above. In addition, examples of the duties of the Head Cook include:

"1. Direct and help in the preparation of all foods.

. . .

16. Substitute for Kitchen Manager in her absence."

The qualifications of Head Cook are identical to those set forth for the Kitchen Manager. In addition, the testimony adduced at the hearing convinces the Commission that, while the Head Cooks may perform some supervisory tasks, a majority of their time is spent in preparation and the serving of lunches, work similar to that performed by employes agreed as being included in the unit. The evidence discloses that the Head Cook occupies the position somewhat similar to a "leadman." While the Head Cook is salaried, so are agreed upon unit employes. The Head Cook receives a bi-weekly salary ranging from \$184 to \$208, while an Assistant Cook receives a bi-weekly salary ranging from approximately \$150 to \$185. We are satisfied that Head Cooks are not supervisors within the meaning of the Act.

The job description of the Head Baker, four in number, indicates that the nature of the duties performed by the Head Baker are set forth as follows:

"Under supervision to plan, prepare and serve bread, rolls, baked desserts for lunch program."

The examples of the tasks performed by the Head Baker are as follows:

- "1. Responsible for the preparation of all breads, rolls, baked desserts for the lunch program.
2. Responsible for counting out of all baked goods for transportation to Satellite schools.
3. Responsible for cleaning and care of equipment involved in bakery department.
4. Responsible for proper storage of all baked goods.
5. Responsible for quality and quantity of baked goods."

The qualifications for the Head Baker are set forth as follows:

"Essential Knowledge or Abilities:

1. Knowledge of large quantity bakery.
2. Ability to understand and follow oral or written directions or instructions, (reduce and increase standardized recipes.)
3. Knowledge of large quantity equipment such as dough-dividers, bread and bun slicers, convention ovens and other related equipment.
4. Knowledge of bakery food storage practices accepted.
5. Ability to supervise assistants and maintain harmony.
6. Knowledge of sanitation requirements.

Desirable Training and Experience:

1. Graduation from high school and experience in quantity bakery goods. Attendance at workshops sponsored by University, D.P.I., School Food Service Supervisor."

It is clear from the job description, and substantiated by the testimony adduced at the hearing, that the vast majority of the Head Baker's time is spent in baking duties and that the position is also similar to a "leadman" position. The bi-weekly salary of a Head Baker ranges from \$177 to \$200 while the Assistant Baker's bi-weekly salary ranges from approximately \$161 to \$170. We are, therefore, satisfied that the Head Baker is not a supervisor, but an employe under the Act.

There are four Head Salad Cooks employed in four of the central kitchens, the nature of whose duties are described as follows:

"Under direction to prepare salads for the lunch program."

The examples of the tasks performed by the Head Salad Cooks are as follows:

- "1. Responsible for the preparation of all salads or food related to salads, such as relishes of sorts.
2. Responsible for portion controlling enough salads for the lunch program.

3. Responsible for the storage of salads and salad products under sanitary conditions in order to maintain quality products.
4. Responsible for the care, operation of large quantity equipment involved, such as the Hobart Upright Cutter, slicers, etc.
5. Responsible for quality and quantity of all salad products.
6. Responsible for serving and/or cashiering on a serving line."

The qualifications for Head Salad Cook consist of the following:

"Essential Knowledge or Abilities:

1. Knowledge of large quantity salad production.
2. Ability to understand and follow oral and written instruction or directions.
3. Knowledge of kitchens and related equipment.
4. Ability to increase or decrease standardized recipes.
5. Ability to supervise those food service workers assisting in the salad department.

Desirable Training:

1. Graduation from high school and experience in quantity cookery. Attendance at workshops sponsored by University, D.P.I., School Food Service Supervisor."

The salary of a Head Salad Cook ranges from \$149 to approximately \$166 bi-weekly. There is no evidence to establish that the Head Salad Cook supervises any employes, but rather is responsible for instructing employes in the assistance of the preparation of salads. We are satisfied that the Head Salad Cooks are employes within the meaning of the Act.

It is clear to the Commission that at the central kitchens the Kitchen Manager is clothed with sufficient supervisory authority to supervise the employes employed in such central kitchens, where the compliment of the employes range from 20 to 25.

Satellite Managers are employed in schools where the food is not prepared at the schools in which they are employed. Rather, the food is brought into the school already prepared and ready for serving. In a few schools there are no Satellite Managers, but only Satellite Servers. At the schools where Satellite Managers are employed there may be anywhere from one to three Satellite Servers also employed. The hourly wage of a Satellite Manager is \$1.80 to \$2.62 per hour, while the Satellite Server wage rate ranges from \$1.80 to \$2.40 per hour. The Satellite Managers and Satellite Servers average approximately three hours of work per day during the school week. While there was evidence adduced indicating that in some instances Satellite Managers did hire Satellite Servers, we are convinced, as a result of the evidence adduced at the hearing, that the Satellite Managers are also "leadmen," and, therefore, not supervisors, but rather employes within the meaning of the Act.

It can be generally stated that the work performed in the central kitchens and satellite schools are routine in nature and very little supervision is necessary, especially in the satellite schools, as can be demonstrated from the fact that in some schools there is no Satellite Manager employed. We are satisfied that in the central kitchens the Kitchen Manager is the supervisor of the employees employed in the central kitchens, while in the "satellite" schools the Principal performs the supervisory tasks.

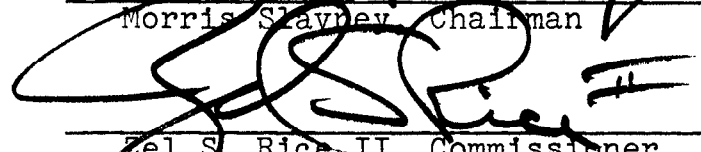
We have, therefore, today issued an Order clarifying the bargaining unit to expressly include the positions of Head Cooks, Head Bakers, Head Salad Cooks and Satellite Managers in the unit involved.

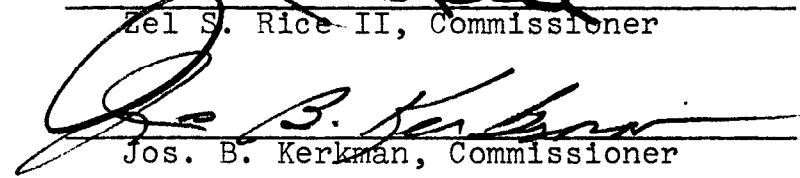
Dated at Madison, Wisconsin, this 17th day of August, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slawney, Chairman


Zel S. Rice II, Commissioner


Jos. B. Kerkman, Commissioner