

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

COUNTY OF ST. CROIX

For Unit Clarification

:
:
: Case XI

: No. 16835 ME-944

: Decision No. 11930-A
:
:

ORDER CLARIFYING BARGAINING UNIT

County of St. Croix having, on May 25, 1973, filed a petition with the Wisconsin Employment Relations Commission to determine whether the position of Office Manager of the County Zoning Administrator's office should be included or excluded from an existing bargaining unit consisting of "all fulltime regular courthouse employees of St. Croix County, excluding elected officials, District Attorney's Secretary, Sheriff's Deputy Secretary and supervisory employees"; and hearing in the matter having been conducted at Hudson, Wisconsin, on June 19, 1973, Douglas V. Knudson, Hearing Officer, being present; and the Commission, having considered the evidence and arguments of the parties, and being fully advised in the premises, makes and issues the following

ORDER

That the position of Office Manager of the County Zoning Administrator's office is, and shall continue to be, included in the collective bargaining unit consisting of "all fulltime regular courthouse employees of St. Croix County, excluding elected officials, District Attorney's Secretary, Sheriff's Deputy Secretary, and supervisory employees.

Given under our hands and seal at the City of Madison, Wisconsin, this 29th day of June, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Morris Slavney
Morris Slavney, Chairman

Zel S. Rice II
Zel S. Rice II, Commissioner

Jos. B. Kerkman
Jos. B. Kerkman, Commissioner

MEMORANDUM ACCOMPANYING
ORDER CLARIFYING BARGAINING UNIT

POSITION OF THE PARTIES:

The County seeks a determination whether the position of Office Manager of the County Zoning Administrator's office should be included or excluded from the existing bargaining unit described in the Order. The County contends that the incumbent Office Manager, Janie Holtz, should be excluded as a supervisory, managerial and confidential employee.

POSITION OF THE UNION:

The Union, Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, contends that the position involved is neither confidential, supervisory nor managerial and should, therefore, be included in the unit.

BACKGROUND:

On November 15, 1972, the County changed the classification of Janie Holtz from Clerk-Typist to Office Manager to reflect the growth in her responsibilities and duties since her date of hire on November 1, 1970. The County argues that Holtz maintains all the records of the Department and, as such, has access to confidential records concerning rezoning requests, faulty sanitary septic and sewer systems, and other information which could affect property values. The uncontroverted evidence produced indicates that Holtz presently has no access to any records or information concerning the County's labor relations activities including grievance processing and contract negotiations.

Although the County Zoning Administrator has received approval to hire additional employees on a temporary basis, he has neither done so nor made any plans to do so at the present time. Thus, Holtz is the only employee reporting to the County Zoning Administrator and supervises no employees of the County.

The evidence indicates that during a substantial majority of the office hours, while the County Zoning Administrator is visiting job sites, Holtz is the only employee available to answer telephonic and walk-in questions and to give advice concerning county ordinances and state statutes, to accept applications for, including the obtaining of missing information, and to issue county permits for sanitary septic and sewer system installations, to assist individuals in completing state forms and to issue notices for zoning hearings. Holtz is responsible for making telephone inquiries to ascertain compliance by plumbers with the plans they filed for sewer and septic tank installations. The Municipal Employer contends that in performing such functions and decision making, Holtz replaces the County Zoning Administrator and, therefore, is a managerial employee.

DISCUSSION:

We are satisfied that Holtz is not a confidential employee within the meaning of Section 111.70(1)(b) of the Municipal Employment Relations Act since she is not privy to any matters relating to collective bargaining or the administration of the collective bargaining agreement. We are further satisfied that Holtz performs no supervisory duties so as to constitute a "supervisor" within the meaning of

Section 111.70(1)(o)1 of MERA.


Section 111.70(1)(b) excludes "managerial employees" from the definition of the term "municipal employees". The uniqueness of managerial employees stems from their participation in the formulation, determination and implementation of policy and the resulting responsibility for such participation. The Commission concludes that the activities and responsibilities of Holtz are not sufficient to constitute her a managerial employee within the meaning of Section 111.70(1)(b) of the Municipal Employment Relations Act.

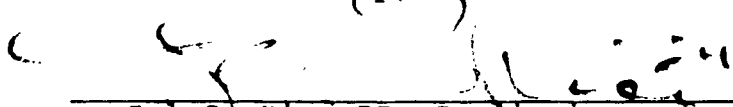
Based on the foregoing, we find that the position of Office Manager of the County Zoning Administrator's Office is not confidential, supervisory or managerial and properly included in the existing bargaining unit.

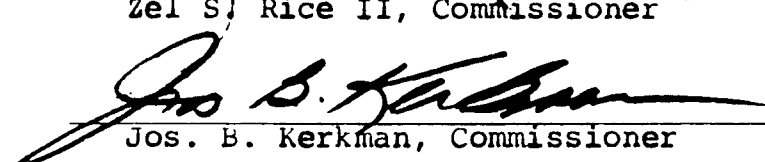
Dated at Madison, Wisconsin, this 29th day of June, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Zel S. Rice II, Commissioner


Jos. B. Kerkman, Commissioner