

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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In the Matter of the Petition of

MERTON SUPPORT PERSONNEL ASSOCIATION

Involving Certain Employees of

MERTON JOINT SCHOOL DISTRICT NO. 9  
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Case IV

No. 16889 ME-955

Decision No. 12085

Appearances:

Mr. J. Christopher Moore, Arrowhead District Council Representative, appearing on behalf of the Petitioner.

Mr. Eugene R. McCaslin, Sr., President, Merton Support Personnel Association, appearing on behalf of the Petitioner.

Foley & Lardner, Attorneys at Law, by Mr. Dennis R. Nolan, appearing on behalf of the Municipal Employer.

DIRECTION OF ELECTION

Mr. Eugene R. McCaslin, Sr., having petitioned the Wisconsin Employment Relations Commission to conduct an election among certain employees of Merton Joint School District No. 9, herein referred to as the Municipal Employer; and a hearing having been conducted on said petition on July 20, 1973, at Waukesha, Wisconsin, Stanley H. Michelstetter II, Hearing Officer, being present; and Eugene R. McCaslin, Sr., having appeared and having moved to amend his petition to substitute Merton Support Personnel Association as the Petitioner without objection to such substitution from the parties; and such motion having been granted; and the Commission having considered the evidence and being satisfied that a question has arisen concerning representation for certain employees of the above-named Municipal Employer;

NOW, THEREFORE, it is

DIRECTED


That an election by secret ballot 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 all regular part-time support personnel (teacher aides, secretaries, playground supervisors and custodians) employed by Merton Joint School District No. 9, excluding teachers, professional, supervisory, managerial, executive and confidential employees, who were employed by the Municipal Employer on August 14, 1973, except such employees as may prior to the election quit their employment or be discharged for cause, for the purpose of determining whether a majority of such employees desire to be represented by Merton Support Personnel Association, for the purposes of collective bargaining.

Given under our hands and seal at the City of Madison, Wisconsin, this 14th day of August, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slayney, Chairman

  
Zel S. Rice II, Commissioner

No. 12085

MEMORANDUM ACCOMPANYING  
DIRECTION OF ELECTION

Petitioner appeared and contended that the unit in which we direct election today is an appropriate unit of employees of the Municipal Employer. The Municipal Employer appeared and stipulated that the sought unit is appropriate except that custodians should be considered as a separate unit from the above in that their interests are separate from those of the other employees.

The evidence presented at hearing indicates that the sought unit contains eight positions, seven of which are presently filled. Two of those positions are custodian positions, one being the head custodian and the other, presently unfilled, is the assistant custodian position. In the past year, the head custodian received an annual wage of \$7660.00 for a 44-hour work week. Adjustments were made retroactively for overtime premiums not paid, in accordance with Department of Industry, Labor and Human Relations policy. The assistant custodian received a wage of \$4100.00. He was offered \$5400.00 for the next year but elected to quit to seek other employment. The evidence indicates that in addition to the normal custodial duties performed by both custodians, the head custodian is allocated a budget of approximately \$6500 from which to make purchases of cleaning supplies, custodial equipment, etc. The head custodian selects the equipment and cleaning supplies to be purchased and arranges for such purchase. The Municipal Employer approves the checks to pay for such purchases and from time to time investigates particular expenditures. The Municipal Employer reviews the budget proposed by the custodian and makes the final determination as to the amount justified for such expenditures. Both custodian positions are supervised by the District Administrator. The head custodian possesses no supervisory power over the assistant custodian or any other employee.

The District Administrator also supervises all other employees in the sought unit. Teacher aides normally work a 37-1/2 hour week (considered full time) during the school year and last year received a wage of \$2.25 per hour. The secretary works 20 hours (considered part time) during the full year at \$2.00 an hour, and the play ground supervisor works 1-1/2 hours per day (considered part time) during the school year. While employees would be entitled to overtime for hours worked beyond 40 in one week, no one except the custodians have actually done so.

Part-time employees receive no fringe benefits such as paid holidays, paid vacations, paid life insurance, paid retirement plans or sick leave. The custodians receive 6-1/2 paid holidays per year and one week of paid vacation after one year of service with 2 weeks after 2 years of service. He receives a fully paid life insurance policy (of small denomination) and a fully paid retirement plan. Teacher aides receive 4 paid holidays, 10 days sick or emergency leave (with no accumulation). They receive no paid vacation, paid life insurance or paid retirement. All full-time employees receive fully paid group medical insurance. All full-year, full-time employees are entitled to the fully paid life insurance which may vary from that of the custodian, but only full-time, full-year custodians receive retirement.

Section 111.70(4)(d)2.a. requires that we avoid fragmentation:

"The Commission shall determine the appropriate bargaining unit for the purpose of collective bargaining and shall whenever possible avoid fragmentation by maintaining as few units as practicable in keeping with the size of the total municipal work force. . . ."

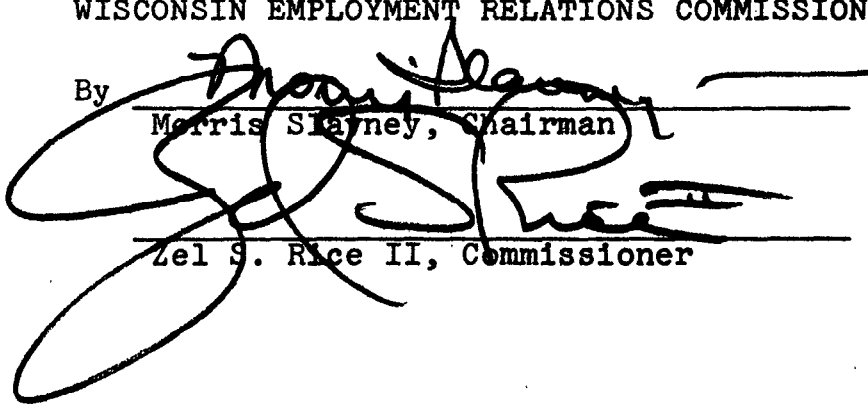
We conclude that the common supervision of custodians and the remainder of the unit and the relatively minor differences in wages and benefits between custodians and other employes, should they work full time during the full year, do not justify the establishment of separate units. 1/

Dated at Madison, Wisconsin, this 14th day of August, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Stacey, Chairman

  
Zel S. Rice II, Commissioner

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1/ City of Wauwatosa (12032) 7/73; Pierce County (Highway Department) (6150-A and 11843) 5/73; Dane County (10492-A) 3/72