

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

DUNN COUNTY

Case XI
No. 17079 ME-970
Decision No. 12093-A

Dunn County having petitioned the Wisconsin Employment Relations Commission to determine (1) whether the positions of Basic Service Supervisor and Social Work Supervisor I are properly included in, or should be excluded from, the collective bargaining unit certified by the Commission on October 31, 1969, consisting of all Social Workers, including the Basic Service Supervisor, employed by Dunn County in the Social Services Department, but excluding all other employees, 1/ and (2) whether the position of Maintenance Engineer should be excluded from the existing collective bargaining unit certified by the Commission on October 20, 1967, consisting of all regular full-time and regular part-time employees of the Dunn County Courthouse, Menomonie, Wisconsin, excluding elected and appointed officials, Welfare Department employees, temporary employees, confidential employees, Sheriff's Department and Traffic Officers, supervisors, the Court Reporter, Juvenile Court Worker, professionals, County Nurse, Civil Defense Director and Veterans Service Officer; 2/ and hearing in the matter having been held in Menomonie, Wisconsin, on September 25, 1973, Commissioner Zel S. Rice II being present; and AFSCME Locals 1742-A and 727-A, the certified collective bargaining representatives for the employees in said two units, having appeared at the hearing and having participated in said hearing; and the Commission having considered the evidence and being fully advised in the premises that the individuals occupying the positions of Basic Service Supervisor and Social Work Supervisor I perform such supervisory duties so as to exclude them from any existing bargaining unit, and further being satisfied that the individual occupying the classification of Maintenance Engineer does not perform such supervisory duties so as to exclude him from the unit consisting of general courthouse employees;

NOW, THEREFORE, it is

ORDERED

That the classifications of Basic Service Supervisor and Social Work Supervisor I are excluded from the collective bargaining unit con-

- 1/ Case VI (9232) 10/31/69.
2/ Case IV (8170) 10/20/67.

sisting of all Social Workers employed by Dunn County in the Social Services Department;

IT IS FURTHER ORDERED that the classification of Maintenance Engineer is included in the existing collective bargaining unit consisting of all regular full-time and regular part-time employees of the Dunn County Courthouse, Menomonie, Wisconsin, excluding elected and appointed officials, Welfare Department employees, temporary employees, confidential employees, Sheriff's Department and Traffic Officers, supervisors, the Court Reporter, Juvenile Court Worker, professionals, County Nurse, Civil Defense Director and Veterans Service Officer.

Given under our hands and seal at the City of Madison, Wisconsin, this 24 day of November, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slattery, Chairman


Zel S. Rice II, Commissioner

MEMORANDUM ACCOMPANYING
ORDER CLARIFYING BARGAINING UNIT

Dunn County, hereinafter referred to as the Employer, would exclude the Basic Service Supervisor and the Social Work Supervisor I from the unit of Social Workers, as well as the classification of Maintenance Engineer from the general courthouse unit. AFSCME Locals 1742-A and 727-A, the certified bargaining representatives for the employees in said two units, would include said classification in the units involved.

BASIC SERVICE SUPERVISOR

In the hearing prior to the initial certification the parties agreed that the position of Basic Service Supervisor was not supervisory and should be included in the bargaining unit consisting of professionals in the Social Service Department. The position of Basic Service Supervisor is occupied by Shirley Peil, who has complete authority to direct and assign work to five case aides, to plan their monthly calendar and determine the days they will be in or out of the office. She is responsible for developing agenda material for the staff meetings. The Basic Service Supervisor is involved in the hiring and screening of any new employees. The final determination as to hiring is made by the Director of Social Services, subject to approval by the County Administrator. The Basic Service Supervisor is utilized to eliminate the number of candidates for the vacant position and to actually sit in on personal interviews. The recommendation for promotion and transfer of the individuals within her unit lies with the Basic Service Supervisor.

The Department of Social Services utilizes performance appraisal reports, which are completed on all new employees and for all employees at least once on an annual basis. It is the responsibility of the Basic Service Supervisor to complete the form with final authority residing in the Director of Social Services. The Basic Service Supervisor evaluates individual employee's performance and makes recommendations to the Director of Social Services as to the employee's strengths and deficiencies. She has the authority to make recommendations for the discharge of employees, and it is her duty to keep the Director of Social Services posted on any disciplinary problems which might occur involving the case aides. She must know eligibility for all categories of assistance and be able to interpret same for the case aides. She is also responsible for the monthly inventory and the tallying of the cash receipts for the food stamp program.

The Basic Service Supervisor spends approximately 95% of her time in performing the above noted data, rechecking employees work, reading records, auditing accounts, seeing that records meet the various federal and state requirements and that the employees' performance level meets at least the minimum level required by the Employer. She is required to exercise independent judgment and discretion in performing her duties as related to case aides. She spends almost no time performing the same type of work performed by the aides.

We conclude that the Basic Service Supervisor is a supervisory position, therefore not an employee within the meaning of Section 111.70 (1)(b) of the Municipal Employment Relations Act, and is excluded from the collective bargaining unit of Social Workers.

SOCIAL WORK SUPERVISOR I

The position of Social Work Supervisor I is occupied by Carol Kuechler, to whom supervising four social workers and two homemakers report. In this regard Kuechler evaluates the performance of said employees at least once each year. She also has the authority to recommend the discharge of the employees, subject to the final approval of the County Administrator. It is her duty to keep the Director of Social Services posted on the disciplinary problems which might occur within her "Unit". She has complete authority to direct and assign work within the "Unit". There is a variance of work assignments within the unit and the Social Work Supervisor I has the responsibility to plan a monthly calendar in advance, assign individuals for specific days in or out of the office, and assign new cases on the basis of her judgment as to which employee will handle them best. It is her duty to follow up the work of four social workers and two homemakers assigned to her, and to initiate corrective action in the event she is not satisfied with their performance. She does no case work herself. There is no other level of supervision over the people assigned to the Basic Service Supervisor. Kuechler is involved in the hiring and screening of any new employees. While the final decision is made by the County Administrator and the Director of Social Services, the Social Work Supervisor I is utilized to eliminate the number of candidates for a vacant position and to actually sit in on interviews. The recommendation for promotion and transfer of individuals under supervision lies with the Social Work Supervisor I.

She spends approximately 95% of her time supervising employees, rechecking their work, reading records, auditing accounts, and determining whether said records meet the various state and federal requirement, and that the workers performance level meet the minimum level required by the Employer. She exercises independent judgment and discretion in the supervision of the employees. Since the duties of the Social Work Supervisor I are primarily supervisory, Kuechler is not an employee within the meaning of Section 111.70(1)(b) of the Act, and therefore is excluded from the unit of Social Workers.

MAINTENANCE ENGINEER

The position of Maintenance Engineer is occupied by Kenneth Drake, who has complete responsibility for all of the custodial services performed by employees of the Employer. He determines the frequency as to the cleaning of floors and materials and methods to be used. Any changes in methods or any direct supervisory authority over the employees under his direction, and he is classified as a department head. He is paid at least \$179.00 more per month than any other of the employees under his direction. Drake daily checks the equipment and the building. In the event of a needed repair, he will assign an employee to make same. In the event that the employees he directs do not have the necessary skills, he will perform the work, or obtain an outside contractor. He spends at least 50% of his time performing duties which are similar to those of the employees over which he has direction. Drake has substantially higher skills than the other employees, and he must do a substantial amount of the work.

Drake spends some of his time in performing supervisory duties. He screens applicants for jobs, and makes recommendations to the County Administrator and the Personnel Committee. He has authority to effectively recommend or discharge or discipline employees and

has done this on one occasion. While it is his function to see that the three employees under his direction do their work properly, he is also required to do a substantial amount of physical work, as noted above.

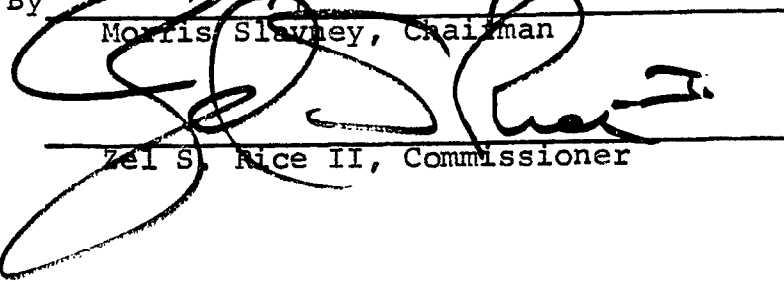
Drake has some supervisory authority over three employees. He can recommend the hiring and firing of employees, and there is no one else who exercises any direct supervisory authority over the employees under his supervision. He is given the authority to allocate overtime. Drake is paid substantially more than the other employees he directs. He has some authority to exercise discretion in his direction and supervision of employees performing the maintenance and custodial functions within the various county buildings. However, Drake is charged with responsibility for only three employees. He spends at least half of his time doing the same type of work, which the employees under his direction perform. This work may require more skill, and these account for the fact that Drake is paid substantially more than the other employees. While the Employer seems to place a great deal of reliance on Drake, it is more because of his skills in performing the various types of work than because of his supervisory duties. His function as a skilled technician is more significant to the Employer than his role as a supervisor. As a skilled employee who exercises some supervisory authority over other employees, Drake is more accurately described as a working foreman. We, therefore, conclude that he is an employee under the Act and is included in the collective bargaining unit.

Dated at Madison, Wisconsin, this 8th day of November, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slawney, Chairman


Zel S. Rice II, Commissioner