

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

CITY OF STEVENS POINT

Case VII  
No. 17020 ME-964  
Decision No. 12201

Mr. Louis Molepske, City Attorney, appearing on behalf of the  
Municipal Employer.

Wisconsin Council of County & Municipal Employees, AFSCME, AFL-CIO, having filed a petition with the Wisconsin Employment Relations Commission for the conduct of elections, pursuant to Section 111.70 of the Wisconsin Statutes, among certain employees of the City of Stevens Point, Wisconsin; and a hearing on such petition having been conducted at Stevens Point, Wisconsin, on September 13, 1973, Marvin L. Schurke, Hearing Officer, being present; and the Commission having considered the evidence and being satisfied that questions concerning appropriate units and representation have arisen involving certain employees of the above named Municipal Employer;

DIRECTED

That elections 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 following voting groups:

All regular full-time and regular part-time employees of the City of Stevens Point engaged in clerical and related occupations, excluding elected officials, supervisors, police officers, part-time employees working less than 20 hours per week, and temporary employees hired for less than 90 calendar days, who were employed by the Municipal Employer on September 13, 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 Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, for the purposes of collective bargaining with the above named Municipal Employer on questions of wages, hours and conditions of employment.

Voting Group No. 2

All professional librarians in the regular employ of the City of Stevens Point, excluding supervisors and all other employees of the Municipal Employer, who were employed on September 13, 1973, except such employees as may prior to the elections quit their employment or be discharged for cause, for the purpose of determining:

- 1) Whether a majority of such employees desire to be included in one single bargaining unit consisting of the employees in said voting group and the employees in Voting Group No. 1, above, and
- 2) Whether a majority of such employees desire to be represented by Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, for the purposes of collective bargaining with the above named Municipal Employer on questions of wages, hours and conditions of employment.

Given under our hands and seal at the City of Madison, Wisconsin, this 5th day of October, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Flawney, Chairman

  
Ted S. Rice II, Commissioner

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTIONS

During the course of the hearing it became evident that the Municipal Employer recently employed a clerical employee at a location other than those designated by the Union in the claimed appropriate unit stated in its petition. To reflect the intent of the parties, and to avoid fragmentation of bargaining units, the description of the unit has been changed to more clearly indicate a city-wide unit of clerical and related employees.

The only dispute existing between the parties in this proceeding centers on the eligibility of the Extension Librarian for inclusion in the unit of professional librarians. The Extension Librarian holds a Master's degree in library science. The only other employees who hold such a degree are the Director of the Library and the Assistant Librarian, both of whom were excluded from the unit by stipulation as supervisors. The job description of the position in dispute is as follows:

"The Extension Librarian is charged with responsibility for development, institution and supervision of public library service to all areas of Portage County other than Park Ridge, Stevens Point, and Whiting, working closely with the Director of the Library to coordinate library functions, especially in the areas of acquisition of materials and public services.

The Extension Librarian interviews, recommends for employment, advancement, or termination of personnel for the Mailbox Library staff; trains and supervises Mailbox Library staff; and shares responsibility with the Director for issuance of the Mailbox Library catalogs.

The Extension Librarian has full responsibility for station libraries in the County to include: materials selection; professional reference work and readers' advisory services; recruiting, training, scheduling and supervising staff in these libraries.

The Extension Librarian is responsible for maintaining a collection of materials from this library on indefinite loan to the Amherst Public Library and the Almond Library, supplementing the local collection to best serve the community it serves; and providing professional reference work and readers' advisory services.

The Extension Librarian provides service as a professional consultant to the librarian at the Amherst Public Library and to the Board of Trustees of that library, and to the Almond Library Committee.

The Extension Librarian provides special programs for children and serves as a speaker on library services for groups in the communities she serves."

Two non-professional employees constitute the "mailbox library staff" referred to in the foregoing job description. The Extension Librarian makes her recommendations concerning those employees to the Director of the Library, who is the principal link between the Library

Board and the actual operation of the library. The Extension Librarian spends most of her time working outside of the main library building, and the entire extension library staff is generally engaged in activities separate and apart from the main library, with little exchange of personnel. While the Extension Librarian would appear to have relatively few employees to supervise, the large number of supervisors excluded from the units by the stipulation of the parties would indicate that the Municipal Employer has practiced decentralization of authority concerning employees. The Commission concludes that the Extension Librarian should be excluded from the unit as a supervisor.

Section 111.70(4)(d)2.a. permits the establishment of separate units for craft and professional employees and also permits craft and professional employees an opportunity to indicate their desire to be included in a unit with non-professional or non-craft employees. Since the Union desires to represent the professional librarians in a unit consisting of both professional and non-professional employees, the Commission has directed an election among the non-professional employees to determine whether they desire to be represented by the Union for the purposes of collective bargaining, and further it has directed elections among the non-supervisory professional librarians to determine whether such professional employees desire to be included in the unit with non-professional employees and whether they desire to be represented for the purposes of collective bargaining by the Union. The Union indicated that it did wish to represent the professional librarians in a unit consisting of only the professional librarians, should they vote against inclusion in a unit with non-professional employees.

The representation ballots cast by the professional librarians will be challenged by the Commission agent who conducts the balloting. The sequence of counting the ballots will be as follows:

- 1) The ballots cast by the professional librarians as to their desire to be included in the non-professional unit will be tallied first.
- 2) If a majority of the eligible professional librarians do not vote in favor of inclusion in the non-professional unit, the challenged representation ballots cast by the professional librarians will be counted and tallied separately.
- 3) If the professional librarians vote in favor of being included in the non-professional unit, the Commission agent shall open the challenged ballots and deposit the ballots in the ballot box with the ballots of the non-professional employees in such a manner so as to protect the secrecy of the ballots.
- 4) Following the tally of ballots cast by the professional librarians on the unit question and the separate count and tally or deposit of the ballots cast by the professional librarians on the representation question, the Commission agent will count the representation ballots in the presence of the parties and execute the tally sheet.

Should the professional librarians vote for inclusion in the non-professional unit, the appropriate bargaining unit shall consist of all regular full-time and regular part-time employees of the City of Stevens Point engaged in clerical and related occupations and all professional

librarians employed by the City of Stevens Point, excluding elected officials, supervisors, police officers, part-time employees working less than 20 hours per week, and temporary employees hired for less than 90 calendar days. Should the professional librarians reject inclusion in the non-professional unit, then the appropriate units shall be the two separate units set forth in the Voting Groups in the Direction of Elections.

Dated at Madison, Wisconsin, this 5th day of October, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slawney, Chairman

  
Zel S. Rice II, Commissioner