

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petitions of	:	
	:	
ST. CROIX COUNTY	:	Case 13
	:	No. 48330 ME-616
Involving Certain Employees	:	Decision No. 12271-B
Represented By	:	
	:	
WISCONSIN COUNCIL OF COUNTY AND	:	Case 62
MUNICIPAL EMPLOYEES NO. 40,	:	No. 48329 ME-615
AFSCME, AFL-CIO and its affiliated	:	Decision No. 21180-A
LOCALS 576-A, 576-B, and 2721	:	
	:	
	:	

Appearances:

Weld, Riley, Prenn & Ricci, 715 South Barstow Street, P.O. Box 1030,
Mr. Guido Cecchini, Staff Representative, Wisconsin Council 40, AFSCME,
 AFL-CIO, 470 Garfield Avenue, Eau Claire, Wisconsin 54701,
 appearing on behalf of the Union.

Eau Cl.

FINDINGS OF FACT, CONCLUSION OF LAW
AND ORDER CLARIFYING BARGAINING UNITS

On November 3, 1992, St. Croix County filed two unit clarification petitions requesting that a number of positions be moved from one bargaining unit to another. A hearing was held before the Commission's Examiner Christopher Honeyman on February 24, 1993 in Hudson, Wisconsin, at which time the parties were given full opportunity to present their evidence and arguments. A transcript was made, and the parties waived briefs, inasmuch as the record which developed was undisputed. The transcript was received on March 5, 1993, whereupon the record was closed.

The Commission has considered the evidence, and being fully advised in the premises, makes and issues the following

FINDINGS OF FACT

1. Wisconsin Council 40, AFSCME, AFL-CIO, and its affiliated Locals 576-A, 576-B, and 2721, are labor organizations which have their principal office c/o Guido Cecchini, Staff Representative, Wisconsin Council 40, 470 Garfield Avenue, Eau Claire, Wisconsin 54701.

2. St. Croix County, herein referred to as the County, is a municipal employer which has its primary offices at the St. Croix County Courthouse, 911 Fourth Street, Hudson, Wisconsin 54016.

3. Local 576-A and the County are parties to a 1991-93 collective bargaining agreement under which Local 567-A is the exclusive bargaining representative of the following bargaining units:

Group No. 1: All regular full-time and regular part-time paraprofessional employees, employed by the Department of Social Services, excluding the Director of Social Services and all supervisory, confidential, part-time [less than 20 hours per week], temporary and casual

No. 12271-B
 No. 21180-A

employees.

Group No. 2: All regular full-time and regular part-time professional employees, employed by the Department of Social Services, excluding the Director of Social Services and all supervisory, confidential, part-time [less than 20 hours per week], temporary and casual employees.

4. Local 576-B and the County are parties to a 1991-93 collective bargaining agreement under which Local 576-B is the exclusive bargaining representative of the following bargaining unit:

All full-time regular courthouse employees of St. Croix County, including the St. Croix County Communications Center Telecommunicators and the St. Croix County Sheriff's Department Jail Clerks, excluding elected officials, Sheriff's Deputy Secretary and supervisory employees.

5. Local 2721 and the County are parties to a 1991-93 collective bargaining agreement under which Local 2721 is the exclusive bargaining representative of the following bargaining unit:

All regular full-time and regular part-time employees of the St. Croix County Health Center, excluding the Administrator, the Assistant Administrator, Professional, supervisory, confidential and temporary employees of St. Croix County.

6. At the hearing the petitions were modified in several ways, and the County proposed a number of changes in nomenclature and employe assignments to bargaining units, to which the Unions did not object. The basis of the petitions was that the County's Health Care Center was downsized, resulting in the move of former Social Service employes from their Hudson offices to New Richmond, Wisconsin, occupying newly vacated quarters in the Health Care Center. This resulted in an administrative reorganization of both the Social Services and Health Care Center groups, creating a Human Services unit. As a result of these changes, a group of employes previously included in the Health Care Center were placed in the Social Services unit; and a group of employes who had been in the Health Care Center were moved into the Courthouse unit. By stipulation between the parties at the hearing, the Social Services unit was renamed the Human Services unit, with the appropriate change in the names included in the applicable collective bargaining agreement; the Courthouse unit was renamed the St. Croix County Administrative Support unit, with the appropriate change in the names included in that collective agreement; and the following employes were newly defined as belonging to the bargaining unit associated with their names below:

Human Services Unit

Julie Bauch, Adult Day Care Instructor
Gary Bender, AODA Counselor
Marjorie Berg, Adult Day Care Instructor
Brian Boardman, Supportive Services Ass't.
Charmaine Green, AODA Counselor
Angela Dedrickson-Gray, AODA Counselor
Mary Feneis, Adult Day Care Instructor
Nancy Hansen, Adult Day Care Instructor
Richard Henry, AODA Counselor
JoDee Houle, Activity Aide

Gary Linder, Rest Area Supervisor
Thelman Mahanna, Van Driver
Randy Martell, Van Driver
Susan Medchill, AODA Counselor
Cynthia Olson, Adult Day Care Instructor
June Stephens, Adult Day Care Instructor
Douglas Thompson, Van Driver
Jeffrey Ziemer, Van Driver

Traci Barber, Steno
Marlene Barlow, Steno
Paula Brandt, Steno
Marcia Heinbach, Steno
Kari Henry, Steno
Joyce Gustafson, Steno
Patti Belisle, Steno
Michelle Johnson, Steno
Kathryn Stork, Medical Records Assistant
Lynn Weigang, DD Receptionist

Administrative Support Unit

Patricia Wienke, Bookkeeper
Susan Bouthilet, Bookkeeper
Cecil Brighton, Maintenance Worker
Kelli Calleja, Bookkeeper
Brian Cloutier, Maintenance Worker
Darlene Krenz, Assistant to Account Spr.
Linda Lomblo, Bookkeeper
Mary Martinson, Bookkeeper
Gloria Schmidt, Bookkeeper
Ruby Smith, Housekeeping Aide
Bonnie Stordahl, Bookkeeper
Kathleen Wurtinger, Bookkeeper
Dar Sittlow, PH Billing Clerk

7. The remaining issues raised by the two petitions were withdrawn at the hearing.

8. The bargaining unit placement referred to in Finding of Fact 6 above reflects the new physical location of the employes involved, and demonstrates that the employes thus reorganized share a community of interest within the bargaining unit to which each is respectively assigned.

Based on the above and foregoing Findings of Fact, the Commission makes and issues the following

CONCLUSION OF LAW

The reassignments of employes referred to in Findings of Fact 6 and 8 above result in restructured collective bargaining units which are appropriate for purposes of collective bargaining within the meaning of Sec. 111.70(1)(b) and (4)(d)2.a., Stats.

Based on the above and foregoing Findings of Fact and Conclusion of Law, the Commission makes and issues the following

ORDER CLARIFYING BARGAINING UNITS 1/

The bargaining units set forth in Finding of Fact 6 above are clarified by the inclusion of the employes there named.

Given under our hands and seal at the City of
Madison, Wisconsin this 3rd day of May, 1993.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By _____
A. Henry Hempe, Chairperson

Herman Torosian, Commissioner

William K. Strycker, Commissioner

(See Footnote 1/ on Page 5)

1/ Pursuant to Sec. 227.48(2), Stats., the Commission hereby notifies the parties that a petition for rehearing may be filed with the Commission by following the procedures set forth in Sec. 227.49 and that a petition for judicial review naming the Commission as Respondent, may be filed by following the procedures set forth in Sec. 227.53, Stats.

227.49 Petitions for rehearing in contested cases. (1) A petition for rehearing shall not be prerequisite for appeal or review. Any person aggrieved by a final order may, within 20 days after service of the order, file a written petition for rehearing which shall specify in detail the grounds for the relief sought and supporting authorities. An agency may order a rehearing on its own motion within 20 days after service of a final order. This subsection does not apply to s. 17.025(3)(e). No agency is required to conduct more than one rehearing based on a petition for rehearing filed under this subsection in any contested case.

227.53 Parties and proceedings for review. (1) Except as otherwise specifically provided by law, any person aggrieved by a decision specified in s. 227.52 shall be entitled to judicial review thereof as provided in this chapter.

(a) Proceedings for review shall be instituted by serving a petition therefore personally or by certified mail upon the agency or one of its officials, and filing the petition in the office of the clerk of the circuit court for the county where the judicial review proceedings are to be held. Unless a rehearing is requested under s. 227.49, petitions for review under this paragraph shall be served and filed within 30 days after the service of the decision of the agency upon all parties under s. 227.48. If a rehearing is requested under s. 227.49, any party desiring judicial review shall serve and file a petition for review within 30 days after service of the order finally disposing of the application for rehearing, or within 30 days after the final disposition by operation of law of any such application for rehearing. The 30-day period for serving and filing a petition under this paragraph commences on the day after personal service or mailing of the decision by the agency. If the petitioner is a resident, the proceedings shall be held in the circuit court for the county where the petitioner resides, except that if the petitioner is an agency, the proceedings shall be in the circuit court for the county where the respondent resides and except as provided in ss. 77.59(6)(b), 182.70(6) and 182.71(5)(g). The proceedings shall be in the circuit court for Dane county if the petitioner is a

nonresident. If all parties stipulate and the court to which the parties desire to transfer the proceedings agrees, the proceedings may be held in the county designated by the parties. If 2 or more petitions for review of the same decision are filed in different counties, the circuit judge for the county in which a petition for review of the decision was first filed shall determine the venue for judicial review of the decision, and shall order transfer or consolidation where appropriate.

(Footnote 1/ continued on Page 6)

(b) The petition shall state the nature of the petitioner's interest, the facts showing that petitioner is a person aggrieved by the decision, and the grounds specified in s. 227.57 upon which petitioner contends that the decision should be reversed or modified.

. . .

(c) Copies of the petition shall be served, personally or by certified mail, or, when service is timely admitted in writing, by first class mail, not later than 30 days after the institution of the proceeding, upon all parties who appeared before the agency in the proceeding in which the order sought to be reviewed was made.

Note: For purposes of the above-noted statutory time-limits, the date of Commission service of this decision is the date it is placed in the mail (in this case the date appearing immediately above the signatures); the date of filing of a rehearing petition is the date of actual receipt by the Commission; and the service date of a judicial review petition is the date of actual receipt by the Court and placement in the mail to the Commission.

ST. CROIX COUNTY

MEMORANDUM ACCOMPANYING
FINDINGS OF FACT, CONCLUSION OF LAW AND
ORDER CLARIFYING BARGAINING UNITS

As amended at the hearing, the petitions raise no dispute. The record demonstrates that the reason for the reassignment of large numbers of employes to newly-renamed bargaining units is the administrative restructuring of the County's government; the Unions, while reserving the right to bargain over any changes to working conditions that may result, agree that the new organization and placements reflect the facts of employes' work assignments; and we find the proposed changes appropriate.

Dated at Madison, Wisconsin this 3rd day of May, 1993.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By _____
A. Henry Hempe, Chairperson

Herman Torosian, Commissioner

William K. Strycker, Commissioner