

MEMORANDUM ACCOMPANYING
DIRECTION OF ELECTION

THE APPROPRIATE UNIT

The proceeding was initiated by two petitions filed by the Petitioner requesting the conduct of elections in separate units consisting of: (1) "all regular full-time and regular part-time employees in the Maintenance, Custodial and Dietary departments of the Wautoma Joint School District #1, excluding the Superintendent, professional, clerical and supervisory employees;" and (2) "all regular full-time and regular part-time clerical employees of the Wautoma Joint School District #1, including teacher aides, but excluding the Superintendent, professional, maintenance, custodial, dietary and supervisory employees." During the course of the hearing, the parties stipulated that the employees petitioned for in two separate units, should constitute a single unit in light of the statutory mandate to avoid fragmentation. 2/ Thereby, the Petitioner effectively withdrew one of the petitions and amended the remaining petition to describe the unit found appropriate herein. The Municipal Employer, contrary to the Union, asserts further that the appropriate unit should consist of all non-certified personnel who are eligible to bargain collectively. Therefore, the Municipal Employer argues that Transportation Department employees, namely, mechanics and bus drivers, should not be excluded from the overall collective bargaining unit.

Section 111.70(4)(d)2a of MERA provides as follows:

"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. In making such a determination, the commission may decide whether, in a particular case, the employees in the same or several departments, divisions, institutions, crafts, professions or other occupational groupings constitute a unit. . ." (emphasis added).

The Transportation Department staff consists of the Supervisor of Transportation, Mechanic, Assistant Mechanic and thirteen part-time bus drivers. In addition to their respective supervisory and mechanical duties, the Supervisor and Assistant Mechanic both serve as bus drivers. The Supervisor's office is housed in the transportation garage located at one of the District's five school buildings. All the bus drivers and mechanics report daily to the garage. Only the Mechanic and Assistant Mechanic are full-time employees. Bus drivers are paid on a per route basis. Some drivers have either morning or afternoon routes or both and some assume extracurricular driving assignments.

We are satisfied that the Transportation Department employees, employed in a separate department, do not share a like community of interest in the terms and conditions of employment with the clerical, custodial and dietary employees. Distinct variations exist between the unit established herein and the transportation employees in terms of work location, hours of work, immediate supervision and method of compensation. The Municipal Employer cites Adams - Friendship Area Schools (11881) 5/73, wherein the appropriate collective bargaining unit of maintenance, clerical, teacher aide employees and cooks was found to include custodial - bus drivers. We note that the bus drivers in the aforementioned case were also employed as custodians by

2/ Section 111.70(4)(d)2a of the Municipal Employment Relations Act (MERA).

the District, thereby sharing a community of interest with the "in-hours" maintenance, clerical, aide and dietary employees. We are satisfied that the custodial, clerical and dietary collective bargaining unit, which excludes the transportation employees herein, is appropriate within the meaning of the Municipal Employment Relations Act.

ELIGIBILITY ISSUES

Head Custodians

In addition to the Head Custodian positions held by Roy Preston and Alvin Connally, the District employs Dick Clark as Supervisor of Buildings and Grounds and Head Custodian of the Wautoma High School. The organizational chart depicts the Supervisor of Buildings and Grounds as directly supervising the Head Custodians. The parties stipulated to Clark's exclusion.

The Head Custodian job description prepared by the Municipal Employer and entered as evidence states, in relevant part, that the duties of the position are as follows:

- "1. Assists the Supervisor of Buildings and Grounds in the selection, assignment, scheduling, training and evaluating members of the custodial staff.
2. Plans and oversees all maintenance and repair work, maintaining a high standard of safety, cleanliness and efficiency.
3. Monitors the time records of all custodial employees in the school and certifies them for salary payment.
4. Maintains an inventory and recommends purchase of supplies, materials, and equipment.
5. Handles his share of the custodial performance responsibilities."

During the regular school year, Preston, who works from 7:00 a.m. to 4:30 p.m., and a part-time employee who works after school hours comprise the Redgranite custodial staff. Two additional custodians are employees during the summer months. In addition to Connally, three full-time custodians staff the Dafoe Building. Connally also oversees the custodian in one other school building.

We are satisfied that the Head Custodian's function is that of "working foreman". The daily assignment of work to custodians appears to be largely routine and clerical in nature. The majority of the Head Custodian's working time is spent performing the same duties as those of the other custodians. Therefore, we conclude that the Dafoe and Redgranite Head Custodians, normally Preston and Connally, are appropriately included in the collective bargaining unit.

Head Bookkeeper

Organizationally, the Head Bookkeeper, Mary Haferbecker, reports directly to the Superintendent. The Municipal Employer argues that, since the Municipal Employer does not employ a Business Manager, the Head Bookkeeper actively participates in the budgetary and negotiation process.

The duties of the Head Bookkeeper, as specified in the job description submitted into evidence, include the following:

- "1. Supervises the business office
 - a. Recruits and screens
 - b. Recommends
 - c. Evaluates business office personnel
 - d. Schedules working hours
 - e. Schedules work responsibilities

2. Directs all financial accounting
3. Prepares, enters, and records all disbursements of District funds.
4. Reports monthly to the Board of Education the amount for which warrents have been drawn during the preceding months, the accounts against which the warrents have been drawn, and the balance to the credit of each account.
5. Collects monies due the Board.
6. Deposits all revenue collected
7. Makes a full and complete itemized report of the finances of the District to the Board of Education for each monthly meeting.
8. Prepares payrolls, including deductions.
9. Prepares earning records.
10. Prepares necessary financial reports for the state, federal government, insurance companies, retirement funds, etc. including the Annual Report.
11. Prepares and distributes tax levy reports
12. Obtains, gathers, organizes confidential data as needed and puts it into usable form such as materials needed for negotiations.
13. Handles other duties and responsibilities as directed by the Superintendent."

The Municipal Employer emphasizes that the Head Bookkeeper has prepared financial statistics, research and information for bargaining proposals employed in negotiations with the certificated unit. We are satisfied that the Head Bookkeeper functions in a confidential manner with regard to the Municipal Employer's labor relations. Therefore, Haferbecker, the Head Bookkeeper is appropriately excluded from the collective bargaining unit.

Dated at Madison, Wisconsin this 30th day of November, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
Morris Slavney, Chairman

Howard S. Bellman
Howard S. Bellman, Commissioner