

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

JUNEAU COUNTY (PLEASANT ACRES INFIRMARY):

Involving Certain Employees of

JUNEAU COUNTY (INSTITUTIONS)

Case VII

No. 17660 ME-1030

Decision No. 12814-A

[WERC is using the following
electronic file name:

12814-R]

Appearances:

Mr. Robert Chybowski, District Representative, District Council 40,
AFSCME, AFL-CIO, appearing on behalf of the Union.

Steele, Smyth, Klos & Flynn, Attorneys at Law, by Mr. Jerome J. Klos,
appearing on behalf of the Municipal Employer.

ORDER CLARIFYING BARGAINING UNIT

Juneau County (Institutions) having filed a petition 1/ with the Wisconsin Employment Relations Commission requesting the Commission to clarify a bargaining unit, previously certified by the Commission, consisting of all regular full-time and regular part-time employees employed by Juneau County Pleasant Acres Nursing Home, but excluding all supervisors, professional employees, craft employees and confidential employees; and hearing on said petition having been held on May 24, 1978, at Mauston, Wisconsin, before Examiner Donald B. Lee; and the Commission having considered the evidence and arguments of the parties and being fully advised in the premises, hereby issues the following Findings of Fact, Conclusion of Law and Order Clarifying Bargaining Unit.

FINDINGS OF FACT

1. That Juneau County, hereinafter referred to as the County, having its offices in Mauston, Wisconsin, operates Pleasant Acres Nursing Home (Institutions) wherein, among others, an individual occupying the position of Secretary/Bookkeeper/Assistant Administrator is employed.

2. That Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, Juneau County Pleasant Acres Nursing Home Employees Local 2758, hereinafter referred to as AFSCME, is a labor organization representing employees for the purposes of collective bargaining, and having its offices at RR 4, Sparta, Wisconsin 54656.

3. That since August 12, 1974, AFSCME, on the basis of an election conducted by the Commission, has been the exclusive representative for the purposes of collective bargaining for and on behalf of the following unit employees:

All regular full-time and regular part-time employees employed by Juneau County at the Pleasant Acres Infirmary (now Nursing Home), excluding the Superintendent, professional employees, craft employees, supervisory employees and confidential employees.

4. That the Secretary/Bookkeeper employed by the Municipal Employer performs duties which are confidential in nature.

1/ The County also filed a petition requesting that the licensed practical nurses be excluded from the unit, but withdrew said petition by letter dated July 25, 1978.

Upon the basis of the above and foregoing Findings of Fact, the Commission makes the following

CONCLUSION OF LAW

That the position of Secretary/Bookkeeper is confidential within the contemplation of the aforescribed bargaining unit and the meaning of Section 111.70(1)(b) of the Municipal Employment Relations Act; and that said position is properly excluded from the existing certified bargaining unit.

Upon the basis of the above and foregoing Findings of Fact and Conclusion of Law, the Commission makes the following

ORDER CLARIFYING BARGAINING UNIT

That the position Secretary/Bookkeeper is hereby excluded from the collective bargaining unit consisting of all regular full-time and regular part-time employees employed by Juneau County at the Pleasant Acres Infirmary (now Nursing Home), but excluding all supervisory employees, professional employees, craft employees and confidential employees.

Given under our hands and seal at the City of Madison, Wisconsin this 8th day of August, 1978.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
Morris Slavney, Chairman

Herman Torosian
Herman Torosian, Commissioner

Marshall L. Gratz
Marshall L. Gratz, Commissioner

MEMORANDUM ACCOMPANYING ORDER CLARIFYING BARGAINING UNIT

The Municipal Employer filed a petition with the Commission on March 15, 1978, requesting that the Commission determine whether the position Secretary/Bookkeeper was or was not confidential within the meaning of Section 111.70(1)(b) of the Municipal Employment Relations Act.

(Gladys) Brigham was employed in February 1974 as Secretary/Bookkeeper. Since June 1976 Brigham, now Secretary/Bookkeeper/Assistant Administrator has maintained confidential unit employee personnel records open only to the Administrator, the involved employees and herself. Brigham is privy to the Municipal Employer's present and prospective stance regarding labor relations matters involving unit employees and in this connection Brigham receives and transmits sensitive phone calls and mail as well as attending and recording minutes of meetings wherein the Employer's representatives plan and program bargaining objectives and tactics. Additionally, Brigham is the only individual in the employ of the Municipal Employer, excluding the Administrator who is exposed and involved as described.

In order for an employee to be deemed a confidential employee and thereby excluded from the bargaining unit, the Commission has held that such an employee must have access to, have knowledge of, or participate in confidential matters relating to labor relations. 2/

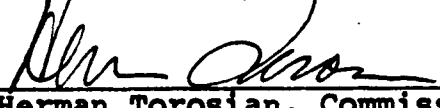
Here Brigham, in performing her duties described above, is privy to confidential matters relating to labor relations and accordingly is properly excluded from the unit.

Dated at Madison, Wisconsin this 8th day of August, 1978.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Herman Torosian, Commissioner


Marshall L. Gratz, Commissioner

2/ City of Menasha (14523) 4/76; Watertown Unified School District No. 1 (12166-A) 3/74; City of Milwaukee (11971) 7/73.