

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of
SECRETARIAL & CLERICAL ORGANIZATION-
BARABOO PUBLIC SCHOOLS
Involving Certain Employes of
JOINT SCHOOL DISTRICT NO. 1, CITY OF
BARABOO, ET AL.

Case III
No. 18490 ML-1126
Decision No. 13353

Appearances:

Mr. James Yoder, appearing on behalf of the Petitioner.
Mr. Fred Kruse, President, Board of Education, appearing on behalf
of the Municipal Employer.

DIRECTION OF ELECTION

Secretarial & Clerical Organization - Baraboo Public Schools, having petitioned the Wisconsin Employment Relations Commission to conduct a representation election, pursuant to the Municipal Employment Relations Act, in a bargaining unit consisting of all secretarial and clerical employes employed by Joint School District No. 1, City of Baraboo, et al.; and a hearing on said petition having been conducted at Baraboo, Wisconsin on December 6, 1974, by Hearing Officer, Douglas V. Knudson on behalf of the Commission; and the Commission having considered the evidence, and being satisfied that a question has arisen concerning representation for certain employes of the Municipal Employer;

NOW, THEREFORE, it is

DIRECTED

That an election 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 collective bargaining unit consisting of all regular full-time and all regular part-time secretarial and clerical employes employed by Joint School District No. 1, City of Baraboo, et al., excluding supervisory, confidential and all other employes, who were employed by the Municipal Employer on February 13, 1975, except such employes as may prior to the election quit their employment or be discharged for cause, for the purpose of determining whether a majority of such employes desire to be represented by Secretarial & Clerical Organization - Baraboo Public Schools, for the purpose 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 13th
day of February, 1975.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
Morris Slavney, Chairman

Howard S. Bellman
Howard S. Bellman, Commissioner

Herman Torosian
Herman Torosian, Commissioner

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

At the outset of the hearing, the parties stipulated to the exclusion of the Secretary to the Superintendent from the bargaining unit as a confidential employee. The Municipal Employer would further exclude the following positions from the collective bargaining unit as confidential employees: Secretary-Administration Office, Bookkeeper-Administration Office, and two Receptionists-Administration Office. The Union opposes the exclusion of said positions, contending that the alleged confidential duties performed by the incumbents in those positions involve data which is not confidential.

Bookkeeper-Administration Office

The Bookkeeper is supervised by the Business Manager, who is the primary resource person for the Municipal Employer's negotiating team when bargaining with the representative of the custodial and maintenance employes in the employ of the Municipal Employer. The Office of the Business Manager maintains the personnel files on teachers and all non-certified employes of the Municipal Employer. The Bookkeeper maintains the financial records of the Municipal Employer, handles the personnel files, and performs cost analyses of negotiating proposals with respect both to projected costs of Union requests and possible Municipal Employer proposals, some of which are prepared but not presented to the Union. The Bookkeeper collates data concerning unemployment compensation and workmen compensation claims for the Employer's review. She is often involved in discussions with the Business Manager concerning the interpretation and administration of fringe benefit programs such as sick leave, holidays, etc., with respect to individual usages of said benefits.

On the basis of the foregoing facts, the Commission is satisfied that the Bookkeeper position is confidential and that said position therefore is excluded from the unit.

Secretary and Receptionists-Administration Office

The Business Manager also supervises the Secretary, a full-time employe, and two part-time Receptionists in the Administration Office, one of whom works approximately 66 to 80 percent of a regular work week and one of whom works approximately 30 to 40 percent of a regular work week. The Municipal Employer contends that it has utilized a team approach in meetings involving personnel and labor relations matters, and that all of these three employes are involved in discussions and other activities concerning the administration of fringe benefit programs, as well as salary surveys and cost analyses of negotiating proposals.

The record reveals that while the incumbents of the above-named positions may be involved in conducting salary surveys and comparisons, typing the Municipal Employer's negotiating proposals, typing documents concerning job performance and/or evaluations of employes to be placed in employe files, and similar activities, the Secretary is most heavily relied on by the Municipal Employer for such activities and assistance. The Secretary has assisted in the preparation of the Municipal Employer's budget which contains projections of future salaries and in the costing of negotiating proposals and counter proposals. The Secretary is often included in discussions by the Business Manager and the Superintendent regarding the past practices of the Municipal Employer concerning interpretation and administration of fringe benefit programs because of her length of service and, therefore, her knowledge of previous interpretations of such benefit programs.

The Commission is satisfied that the Secretary performs a substantial amount of work involving matters of a confidential labor relations nature and that on said basis her position should be excluded from the unit. The two Receptionists are employed in the same office area as the three clerical employes, i.e., Secretary to the Superintendent, Secretary-Administration Offices and Bookkeeper-Administration Office, previously excluded. The latter three confidential employes would be free to perform the confidential functions which the Receptionists have occasionally performed in the past. The Commission has previously concluded that the mere vesting of some minor confidential functions in an employe, where other confidential employes are available, cannot be allowed to deprive employes of their rights under the Municipal Employment Relations Act. 1/

Accordingly, the Commission concludes that the Receptionists in the Administration Offices are appropriately included in the collective bargaining unit established herein.

Dated at Madison, Wisconsin this 13th day of February, 1975.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
Morris Slavney, Chairman

Howard S. Bellman
Howard S. Bellman, Commissioner

German Torosian
German Torosian, Commissioner

1/ Menomonee Falls Joint School District No. 1, (11669) 3/73.