

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

-----  
In the Matter of the Petition of

ADAMS-FRIENDSHIP JOINT SCHOOL  
DISTRICT NO. 1

For Clarification of Bargaining  
Unit of Certain Employees of

ADAMS-FRIENDSHIP JOINT SCHOOL  
DISTRICT NO. 1  
-----

Case VI  
No. 18354 ME-1109  
Decision No. 13478

Appearances:

Mr. Gordon L. Sardeson, Superintendent of Schools, appearing on  
behalf of the Petitioner.

Mr. Walter Klopp, District Representative, appearing on behalf of  
Wisconsin Council of County & Municipal Employees, AFSCME,  
AFL-CIO.

ORDER CLARIFYING BARGAINING UNIT

Adams-Friendship Joint School District No. 1, having requested the Wisconsin Employment Relations Commission to determine whether a certain Receptionist-Secretarial position should be excluded from a certified collective bargaining unit; and pursuant to notice, a hearing having been held in the matter at Adams, Wisconsin on October 24, 1974, Sherwood Malamud, Hearing Officer, being present; and the Commission having considered the evidence and arguments of the parties and being fully advised in the premises, makes and files the following

ORDER

That the position of Receptionist-Secretary, presently held by Mrs. Martha Flory, is and shall remain included in the collective bargaining unit consisting of all regular full-time and regular part-time employees of Adams-Friendship Area Schools, including custodial employees, custodial-bus driver employees, maintenance employees, clerical employees, teacher aide employees and cooks, but excluding the Superintendent, Business Manager, professional, confidential and supervisory employees.

Given under our hands and seal at the  
City of Madison, Wisconsin this *26th*  
day of March, 1975.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By *Morris Slavney*  
Morris Slavney, Chairman

*Howard S. Bellman*  
Howard S. Bellman, Commissioner

*Herman Torosian*  
Herman Torosian, Commissioner

No. 13478

MEMORANDUM ACCOMPANYING ORDER CLARIFYING BARGAINING UNIT

Petitioner, the Municipal Employer, renews here its argument that the Receptionist-Secretary be excluded from the unit (described in the attached order) on the basis of her confidential status, which argument was presented by Petitioner at the original election hearing conducted on April 24, 1973 prior to the Commission's issuance of a Direction of Election 1/ and Certification of Representative. 2/

In the above Direction, the Commission concluded as follows concerning the Receptionist-Secretary position:

"The Receptionist-Secretary, Martha Flory, serves as receptionist for the administration offices and performs some secretarial work for the Superintendent and Business Manager. The incumbent handles most of the Superintendent's correspondence and occasionally works on the payroll. The position is primarily responsible for relaying incoming telephone calls and directing visitors.

Although the Receptionist-Secretary occasionally fills in for the Secretary to the Superintendent or the Secretary to the Business Manager, we are not satisfied that she has access to or knowledge of confidential matter concerning labor relations. We conclude that the Receptionist-Secretary is appropriately included in the collective bargaining unit."

Although Flory was included in the unit, the Commission, in the Direction, excluded the other two clerical positions assigned to Petitioner's Administrative offices with Flory, namely, the Superintendent's Secretary and the Business Manager's Secretary on the basis of their confidential status. Thus, the only person located at the Administrative Offices who is presently in the unit is the Receptionist-Secretary.

Petitioner asserts that the School District has increased in size and Flory's responsibilities have changed to the point where she too is a confidential employee. Petitioner's budget has increased from \$2 million to \$2.4 million, and the size of its staff has increased by 14 teachers. As a result of this growth and its concomitant expansion of bookkeeping responsibilities, the Superintendent has assigned most of these bookkeeping tasks to his Secretary. Consequently, the Superintendent's Secretary has little time to transcribe notes taken by her at Board meetings or to transcribe the Superintendent's notes of bargaining sessions and attendant Board caucuses during bargaining. The Receptionist-Secretary, Mrs. Flory, now types these notes and correspondence, in addition to performing the duties delineated in the Commission's Direction quoted above.

The Union does not dispute Petitioner's description of the duties performed by Flory, however, it argues that any confidential duties Flory may perform consume only a small percentage of her working time.

---

1/ Adams-Friendship Area Schools (11881) 5/73.

2/ On June 19, 1973, the Commission certified Wisconsin Council of County and Municipal Employees as the exclusive bargaining representative of Petitioner's employees in the subject unit.

Finally, the Union argues that the facts presented by Petitioner do not establish this Employer's need for three confidential employees.

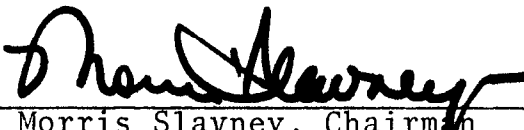
Recently, the Commission reaffirmed its policy that:

" . . . the mere vesting of some minor confidential functions in an employe, where other confidential employees are available, cannot be allowed to deprive employees of their rights under the Municipal Employment Relations Act." 3/

The record in this case establishes at best, that the work load of one clerical has increased necessitating an occasional shift of some assignments, some of which, may be confidential in nature. It is noteworthy that the Superintendent's Secretary remains the only clerical employe with a key to a room where various confidential files and records are kept. Since other employees, excluded from the unit are available to perform confidential duties and since access to confidential files can be limited to said employees, the Commission concludes that the Receptionist-Secretary is properly included in the unit.

Dated at Madison, Wisconsin this 26th day of March, 1975.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By   
Morris Slavney, Chairman

  
Howard S. Bellman, Commissioner

  
Herman Torosian, Commissioner

---

3/ Jt. School Dist. No. 1, City of Baraboo (13353) 2/75; See also Menomonie Falls Jt. School Dist. No. 1 (11669) 3/73; County of Milwaukee (11382-D) 9/74.